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TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

PUBLICATION OF INFORMATION CONCERNING COMMON TRUST FUND

Section 206.113 is added to read as follows:

§ 206.113 *Publication of information concerning common trust fund.* (a) The Board of Governors has been asked to comment with respect to the limitations contained in § 206.17 concerning the publication of information on common trust funds maintained by a bank. Preparation of a pamphlet descriptive of the operations of a common trust fund which would contain information taken from the annual audit report of such fund, including information concerning the earnings realized on the fund and the value of the assets thereof, was proposed. It was planned to make such pamphlet available to directors and stockholders of the bank, to present and prospective customers, to selected attorneys, and to correspondent banks for the purpose of furnishing information relative to the common trust fund and presumably to point out the desirability of its use by prospective trust customers. It is believed that the following discussion will clarify the principles and restrictions embodied in this part with respect to the advertising of common trust funds.

(b) The annual reports of audits required to be made of common trust fund operations are for use solely in informing those persons to whom a regular periodic accounting of the trusts participating in the fund ordinarily would be rendered. Material contained in these audit reports, or similar to that so contained, cannot, under existing provisions of this part, be publicized in booklet form, or in any other form, with the intent to inform the general public concerning the operations of a common trust fund. The word "publish" as used in the publicity prohibition contained in paragraphs (a) and (c) (3) of § 206.17, refers not only to publication in newspapers or periodicals, but to publication in any form designed to reach outside the group comprising those who ordinarily would receive periodic accountings related to administration of a common trust fund.

(c) The unsolicited furnishing of information to the general public, or to selected portions of the public, should be confined to acquainting the reader with the existence of the common trust fund and the purpose and use of such fund. It is wholly appropriate, therefore, to publicize the fact that a common trust fund has been established or is maintained by a bank, as well as to make known its special and restricted purposes and uses. However, the common trust fund is not to be regarded as an investment "entity" to be popularized in and of itself. Publicity efforts of a trust institution operating a common trust fund should be directed toward demonstrating the desirability of and need for corporate fiduciary services. Reference to the common trust fund in such publicity should be incidental to the provision of such services and should be discussed only as one medium possibly to facilitate the investment of funds held for true fiduciary purposes. Furthermore, trusts created and used for bona fide fiduciary purposes are to be distinguished from trusts created by individuals primarily seeking the benefits to be derived from corporate fiduciary investment management.

(d) While banks operating common trust funds are enjoined to use particular care in the preparation of advertising and publicity material to see that it is in every way compatible with the spirit as well as with the letter of provisions of paragraphs (a) and (c) (3) of § 206.17, the Board has not adopted a practice of determining the propriety of any specific common trust fund advertising in advance of its use.

(Sec. 11 (i)) 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k) 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 55–1582; Filed, Feb. 23, 1955; 8:46 a. m.]

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PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AUTHORIZATION FOR AIR TAXI OPERATORS TO CONDUCT OPERATIONS UNDER CERTAIN PROVISIONS; EXTENSION OF EXPIRATION DATE FOR AIR TAXI OPERATOR CERTIFICATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of February 1955.

On January 11, 1952, the Board adopted Special Civil Air Regulation SR–378, which provided that air taxi operators as defined in § 298.1 (a) (2) of Part 298 of the Board's Economic Regulations, shall be certificated and shall conduct operations in accordance with the applicable provisions of Part 42 of the Civil Air Regulations. Subsequently on June 1, 1953, the Board adopted currently effective Special Civil Air Regulation SR–395, which superseded SR–378 and provided that air taxi operator certificates should continue in effect until the termination of the economic exemption authority contained in Part 298, namely, until February 20, 1955. On December 21, 1954, the Board issued a notice of proposed rule-making (Economic Regulations Draft Release No. 71) which proposed to delete the economic exemption authority termination date of February 20, 1955, which existed in Part 298. This proposal would have put the exemption authority granted to air taxi operators on a permanent basis.

The Board concurrently with the issuance of this Special Civil Air Regulation is extending the exemption authority contained in Part 298 pending final determination as to the proper economic limitations which should be imposed on air taxi operators. It appears certain, however, that some form of economic exemption authority for air taxi operators will be continued on a permanent basis. It therefore is desirable to extend Special Civil Air Regulation SR–395 to provide for such operations.

Part 42 of the Civil Air Regulations is presently undergoing revision. This proposed revision would make Part 42 applicable solely to large aircraft; and it would be necessary to prepare a new part for the certification and operation of small aircraft (air taxi operators) Revised Part 42 and proposed regulations to cover air taxi operations are presently being prepared in draft release form, and it is estimated that they will be adopted by the Board for circulation as a notice of proposed rule-making in the near future. For this reason, Special Civil Air Regulation SR–395 is being extended until such time as a new permanent Part, covering the certification and operation of small aircraft, becomes effective. Notice of this extension was published in the FEDERAL REGISTER on January 19, 1955, at 20 F R. 422.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 20, 1955.

Notwithstanding the provisions of Parts 40 and 41 of the Civil Air Regulations, any air taxi operator as defined in § 298.1 (a) (2) of Part 298 of the Board's Economic Regulations shall be certificated and shall conduct operations in air transportation in accordance with the provisions of Part 42 of the Civil Air Regulations: *Provided,* That any air carrier operating certificate issued for air taxi operations which is in effect on, or issued after, the effective date of this regulation shall remain in effect until the expiration of this special regulation, unless such certificate is sooner surrendered, suspended, or revoked.

This regulation supersedes Special Civil Air Regulation SR–395 and shall remain in effect until such time as new air taxi certification and operation rules become effective, unless sooner terminated or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F R. Doc. 55–1618; Filed, Feb. 23, 1955; 8:52 a. m.]

Subchapter B—Economic Regulations

[Reg. ER–202]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

TEMPORARY EXTENSION OF EXEMPTIONS FOR AIR TAXI OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of February 1955.

At the present time the exemptions provided by Part 298 of the Board's Economic Regulations will expire on February 20, 1955. On December 21, 1954, the Board issued a notice of proposed rulemaking which proposed to make permanent the exemptions now afforded air taxi operators. Of the comment which has been received by the Board on this proposal, some favor relaxation of the restrictions imposed on air taxi operators, and some urges increased restrictions on competition with other air carriers. In addition, a request has been received to set this matter down for oral argument before the Board.

The Board is of the opinion that some extension of the exemptions contained in Part 298 is desirable but that oral presentation of facts and arguments to the Board is in the public interest, in order to determine the limitations which should be imposed on air taxi operators on a long-term basis. Accordingly, by notice issued concurrently herewith the Board is setting down for oral argument the question of the proper role of air taxi operators, the manner in which they should be allowed to operate, and the conditions, restrictions, and limitations, if any which should be imposed while obtaining the benefit of the exemptions afforded by Part 298.

The Board believes that, pending conclusion of oral argument before the Board and decision thereon, the present exemption authority in Part 298 should be extended in its present form. For this reason the Board is extending such exemptions until the termination of these proceedings.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter submitted. This extension of the exemptions contained in Part 298 is a rule relieving restriction, and therefore

may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298, as amended) as follows, effective February 17, 1955.

By amending the second proviso of § 298.4 to read as follows:

§ 298.4 *Duration of exemption.* * * * *And provided further* That unless otherwise ordered by the Board, the temporary exemption granted by § 298.3 shall terminate on December 31, 1955, or upon termination of the rule-making proceeding on this section which was commenced on December 21, 1954 (Economic Regulations Draft Release No. 71) whichever shall first occur.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL, *Acting Secretary.*

[F R. Doc. 55-1617; Filed, Feb. 23, 1955; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 21 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products,* paragraph (g) *Refined copper copper scrap and copper-base alloy scrap* is amended in the following particulars:

Subparagraph (6) *Shipper's export declaration* of paragraph (g) is deleted

2. Section 379.1 *Presentation for export,* paragraph (c) *Copies of Shipper's Export Declaration, other special provisions* is amended in the following particulars:

a. Subparagraph (1) *General requirements* of paragraph (c) is amended to read as follows:

(1) *General requirements.* (i) Shipper's Export Declarations shall be presented to the Collector of Customs at the port of exit in the number of copies specified herein. For shipments to Canada and between the United States and its territories and possessions (except Alaska and Hawaii) the declarations must be presented in duplicate. For all other shipments the declarations must be presented in triplicate, except that an additional copy of the declaration shall be presented when required by the Bureau of Foreign Commerce or Collector of Customs, in any particular instance, for purposes of export control.

(ii) In all cases where a declaration is required by the export regulations or the regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an additional copy of the Shipper's Export Declaration shall be presented for exportations of the commodities listed below. The additional copy shall bear the following notation in the upper right corner: "COMM-8"

Schedule B No.	Commodity
601010-601090	Iron and steel scrap.
630050	Aluminum scrap (new and old).
641200	Refined copper in cathodes, billets, ingots, wire bars and other crude forms, except copperweld rods.
641300	Copper scrap (new and old).
642200	Copper pipes and tubes.
642300	Copper plates, sheets, and strips, including nickel-plated.
642400	Copper rods and bars, n. e. c.
642510	Copper wire and cable, bare.
644000	Copper-base alloy scrap (new and old).
644100	Copper-base alloy ingots and other crude forms.
644900	Copper-base alloy bars, rods, and other shapes, extruded, rolled and drawn.
645000	Copper-base alloy plates, sheets, and strips.
645300	Copper-base alloy pipes and tubes (including pipe coils).
645710	Copper-base alloy wire, bare.
654502	Nickel metal and nickel alloy metals in ingots, bars, rods, and other crude forms, and scrap.
664526	Cobalt-bearing scrap metal containing 5 percent or more cobalt by weight.
709810-709885	Insulated wire and cable.

b. The note following paragraph (c) remains unchanged.

This amendment shall become effective as of February 17, 1955.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY, *Director Bureau of Foreign Commerce.*

[F R. Doc. 55-1606; Filed, Feb. 23, 1955; 8:50 a. m.]

[1] This amendment was published in Current Export Bulletin No. 745, dated February 17, 1955.

Chapter IV—Foreign-Trade Zones Board

[Order 38 [1]]

PART 400—GENERAL REGULATIONS GOVERNING FOREIGN-TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURE

UNIFORM SYSTEM OF ACCOUNTS, RECORDS, AND REPORTS FOR USE BY FOREIGN-TRADE ZONE GRANTEES

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998-1003; 19 U. S. C. 81a-81u) the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, on February 6, 1939, the Foreign-Trade Zones Board issued Order No. 5 (§ 400.1002a, 4 F R. 542) relating to a Uniform System of Accounts, Records, and Reports, to be maintained by Foreign-Trade Zone Grantees. Part "B" of said Uniform System of Accounts, Records, and Reports (F T. Z. Form 15), sets out the statistical information which some grantees are required to incorporate in their annual reports.

Upon consideration, the Board finds that changed circumstances have given rise to duplication and unnecessary expense in the reporting of some of the statistical information heretofore published in these annual reports.

Now, therefore, it is ordered, That the Executive Director of Foreign-Trade Zones Operations may, from time to time, upon appropriate notice, modify the requirements as set forth in Part "B" of the Uniform System of Accounts, Records, and Reports for the annual reports of the Zone Grantees as necessary to eliminate duplication of information separately required for Customs purposes and so as to minimize the cost of complying with such requirements.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to foreign-trade zone operators, and is of a nature that it imposes no burden on the parties of interest. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 16th day of February 1955.

FOREIGN-TRADE ZONES BOARD,
[SEAL] SINCLAIR WEEKS, *Secretary of Commerce, Chairman and Executive Officer Foreign-Trade Zones Board.*

Attest:

JOSEPH M. MARRONE.

[F R. Doc. 55-1602; Filed, Feb. 23, 1955; 8:49 a. m.]

[1] Supplements § 400.1002a.

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 721—CORN

SUBPART—1954 COUNTY CORN ACREAGE ALLOTMENTS

Correction

In Federal Register Document 55-40, published at page 20 of the issue dated January 4, 1955, the allotment for Adams County Iowa, in § 721.508, should read "54,493"

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6117]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATION-WIDE SEWING MACHINE AND SUPPLY CO.

Subpart—*Advertising falsely or misleadingly:* § 3.155 *Prices:* Exaggerated

as Regular and Customary· § 3.235 *Source or origin.* Maker or seller, etc., Place: *Imported products or parts as domestic.* Subpart—*Appropriating trade name or mark wrongfully:* § 3.295 *Appropriating trade name or mark wrongfully:* Product. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception.* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling·* § 3.1325 *Source or origin.* Maker or seller, etc., Place: *Imported product or parts as domestic.* Subpart—*Using misleading name*—Goods: § 3.2345 *Source or origin.* Maker· Place: *Foreign product or parts as domestic.* In connection with the offering for sale, sale, or distribution of sewing machine heads or sewing machines in commerce: (1) Offering for sale, selling, or distributing foreign-made sewing machines, or sewing machines of which foreign-made heads are a part, without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated; (2) using the word "Universal" or any simulation thereof, as a brand or trade name to designate, describe, or refer to their sewing machines or sewing machine heads; or representing, through the use of any other word or words or in any other manner, that respondents' sewing machines or sewing machine heads are made by anyone other than the actual manufacturer· and (3) placing in the hands of others a means or instrumentality by and through which the purchasing public may be misled or deceived as to the usual and customary retail price of respondents' sewing machines; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Ray Busch et al. d. b. a. Nation-Wide Sewing Machine and Supply Company, Chicago, Ill., Docket 6117, January 20, 1955]

In the Matter of Ray Busch and Paul Mueller Jr., Copartners, Doing Business as Nation-Wide Sewing Machine and Supply Company

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, the "Notice" portion of which provided that the failure of respondents to file timely answer and to appear at the time and place fixed for hearing would be deemed to authorize the Commission and the hearing examiner to find the facts to be as alleged in the complaint and to issue an order in the form therein set forth.

Thereafter, following respondents' failure to file an answer to said complaint charging them with the use of unfair and deceptive acts and practices and unfair methods of competition in commerce in violation of the provisions of the Federal Trade Commission Act, and to appear at the time and place fixed for hearing, the attorney in support of the complaint, at said hearing before said examiner, theretofore duly designated by the Commission, moved that the hearing be closed without the taking of testimony and that said examiner proceed, in due course, to find the facts to be as alleged in the complaint and issue an order to cease and desist in the form set forth in said "Notice"

Subsequently following the granting of said motion by said examiner and the closing of the hearing, the proceeding regularly came on for final consideration by said examiner upon said complaint and said motion, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, and acting pursuant to Rules V and VIII of the rules of practice of the Commission, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, the matter having come on to be heard by the Commission upon its review of said hearing examiner's initial decision, the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance" Docket 6117, January 20, 1955, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein, and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceedings:

It is ordered, That the initial decision of the hearing examiner shall on January 20, 1955, become the decision of the Commission.

It is further ordered, That the respondents Ray Busch and Paul Mueller, Jr., shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondents, Ray Busch and Paul Mueller, Jr., individually and as copartners, doing business at Nation-Wide Sewing Machine and Supply Company or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign-made sewing machines, or sewing machines of which foreign-made heads are a part without clearly and conspicuously disclosing on the heads the country of origin thereof, in such a manner that it cannot readily be hidden or obliterated.

2. Using the word "Universal," or any simulation thereof, as a brand or trade name to designate, describe or refer to their sewing machines or sewing machine heads; or representing, through the use of any other word or words or in any other manner, that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturer.

3. Placing in the hands of others a means of instrumentality by and through which the purchasing public may be misled or deceived as to the usual and customary retail price of their sewing machines.

Issued: January 20, 1955.

By the Commission.[2]

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F R. Doc. 55-1583; Filed, Feb. 23, 1955; 8:46 a. m.]

[1] Filed as part of original document.

[2] Special concurring opinion of Commissioner Mason filed as part of original document.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects, Operation and Maintenance

PART 130—ORDER FIXING OPERATION AND MAINTENANCE CHARGES

SALT RIVER INDIAN IRRIGATION PROJECT, ARIZONA

BASIC CHARGE; DELIVERY OF WATER

On January 13, 1955, there was published in the daily issue of the FEDERAL REGISTER (20 F R. 301) a notice of intention to amend § 130.120 *Basic charge* and § 130.122 *Delivery of water* of Title 25, Code of Federal Regulations, Chapter I, Subchapter L dealing with operation and maintenance assessments against irrigable lands of the Salt River Indian Irrigation Project, Arizona, by increasing the basic water charges from $3.50 per acre per annum to $5.50 per acre per annum.

Interested persons desiring to participate in formulating the amendment could do so by filing written statements or data to the Area Director, Phoenix Area Office, within twenty (20) days from the date of publication of the notice of intention. No written or oral communications were received within the period specified. In view of the substantial increase in cost of operating and maintaining the Salt River Indian Irrigation Project since the assessment rates were last fixed, I have concluded that the basic assessment rate should now be $5.50 per acre annually, effective for the Calendar Year 1955 and thereafter until further notice. Accordingly §§ 130.120 and 130.122 are amended to read as follows:

§ 130.120 *Basic charge.* Pursuant to provisions of the acts of Congress, approved August 1, 1914, and March 7, 1928 (38 Stat. 583; 45 Stat. 210, 25 U. S. C. 385, 387) the basic operation and maintenance charge against the lands under the Salt River Indian Irrigation Project

in Arizona to which water can be delivered through the Irrigation Project works is hereby fixed at $5.50 per acre per annum until further notice.

§ 130.122 *Delivery of water* Delivery of water shall be refused to all tracts of land for which the basic charge remains unpaid on the due date except that water may be delivered (a) to irrigate Indian owned lands that are not under lease, permit, or other form of use by someone other than the Indian owner, upon the partial payment on or before the due date of not less than $2.00 per acre per annum of the basic charge; (b) to irrigate Indian owned lands not under lease, permit, or other form of use by someone other than the Indian owner when said owner is unable to pay any part of the basic charge, upon the performance of labor on project works and the prior agreement that he will pay from the proceeds received for such work at least an amount equal to $3.50 per acre per annum, and (c) to irrigate not to exceed 10 acres of Indian owned land when the Superintendent is of the opinion that an Indian landowner is unable to meet the requirements of paragraphs (a) or (b) of this section, when the Superintendent certifies to that fact. The Superintendent shall promptly furnish the director of the district, for approval or rejection, all such certifications. In such cases, covered by paragraphs (a) (b) and (c) of this section, the unpaid charges shall be entered on the accounts and will stand as a first lien against the land until paid, without penalty

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

F M. HAVERLAND,
Area Director

[F R. Doc. 55-1490; Filed, Feb. 23, 1955; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 49; Narcotics Regs. 5]

PART 151—REGULATIONS UNDER THE HARRISON NARCOTIC LAW AS AMENDED

ORAL PRESCRIPTIONS FOR NARCOTIC DRUGS AND COMPOUNDS OF NARCOTIC DRUGS

Narcotic Regulations 5 (26 CFR Part 151) relating to narcotics subject to the Harrison Narcotic Law, and continued in effect under applicable provisions of the Internal Revenue Code of 1954, are amended as follows, pursuant to the amendment to that Code made by Public Law 729, 83d Congress, approved August 31, 1954.

PARAGRAPH 1. The section heading and introductory material of § 151.18 (Article 18) are amended to read as follows:

§ 151.18. *Retail dealers.* Every person who sells narcotic drugs or preparations from original stamped packages, with or without compounding, pursuant to oral or written prescriptions issued by registered practitioners in the course of professional practice only is liable to tax as a retail dealer at the rate of $3 per annum in Class III, with the following exceptions:

* * * * *

PAR. 2. The second sentence of § 151.18 (b) (Article 18) is amended to read as follows: "A practitioner who operates a drug store and in his capacity as a druggist sells narcotic drugs or preparations, pursuant to oral or written prescriptions issued by other practitioners, incurs additional liability as a retail dealer."

PAR. 3. Section 151.168 (Article 168) is amended to read as follows:

§ 151.168 *Manner of execution, practitioners.* All prescriptions for drugs and preparations not specifically exempt under section 4702 of the Internal Revenue Code of 1954 (see §§ 151.180 to 151.182) and not subject to the oral prescription procedure (see § 151.172) shall be dated as of and signed on the day when issued and shall bear the full name and address of the patient and the name, address, and registry number of the practitioner. A physician may sign a prescription in the same manner as he would sign a check or legal document, as, for instance, J. H. Smith, John H. Smith, or John Henry Smith. Prescriptions (other than oral prescriptions under § 151.172) should be written with ink or indelible pencil or typewriter; if typewritten, they shall be signed by the practitioner. The duty of properly preparing or telephoning prescriptions, as the case may be, is upon the practitioner, and he is liable to the penalties provided by the act in case of failure to insert or communicate, respectively the information required by the law. A prescription required to be in writing may be prepared by a secretary or agent for the signature of a practitioner, but the practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the druggist who fills a prescription not prepared in the form prescribed by law and regulations.

PAR. 4. Section 151.171 (Article 171) is amended to read as follows:

§ 151.171 *Partial filling.* As a general rule, the partial filling of narcotic prescriptions is not permissible. If, however, a dealer is unable to supply the full quantity called for in a written or oral prescription and an emergency exists, he may supply a portion of the drugs called for by the prescription, provided he makes a suitable notation on the face of the written prescription (or written record of the oral prescription) of the quantity furnished and the reason for not supplying the full quantity on the back of the written prescription (or written record of the oral prescription) and advises the issuing practitioner thereof. No further quantity shall be supplied except upon a new prescription.

PAR. 5. Section 151.172 (Article 172) is amended to read as follows:

§ 151.172 *Telephone orders.* (a) Where written prescriptions signed by the practitioner are required, the furnishing of narcotics pursuant to telephone advice of practitioners is prohibited, whether signed prescriptions covering such orders are subsequently received or not, but in an emergency a druggist may deliver narcotics through his responsible employee or agent pursuant to a telephone order, provided the employee or agent is supplied with a properly prepared signed prescription before delivery is made, which prescription shall be turned over to the druggist and filed by him as required by law.

(b) A dealer (druggist) may fill an oral prescription communicated to him by a duly registered practitioner for such narcotic drugs or compounds of a narcotic drug which the Commissioner of Narcotics has found and by regulations designated to possess relatively little or no addiction liability as described in paragraph (c) of this section. In issuing an oral prescription, the prescriber shall furnish the dealer with the same information as is required in the case of a written prescription (see § 151.168) except for the written signature of the prescriber. The oral prescription, including the information required to be furnished by the prescriber, shall promptly be reduced to writing by the dealer, who shall file and preserve the writing in his narcotic prescription file as described in § 151.174. The practitioner is responsible in case the oral prescription does not conform in all essential respects to the law and regulations. A corresponding liability rests upon the druggist who fills an oral prescription not communicated in the form prescribed by law and regulations.

(c) Any interested agency association, or manufacturer may submit a recommendation in writing to the Commissioner of Narcotics for a finding and designation that a specifically identified narcotic drug or compound of a narcotic drug possesses relatively little or no addiction liability giving reasons for the recommendation, or the said Commissioner may himself initiate a proposal for a prospective finding and designation with respect to a specifically identified narcotic drug or compound of a narcotic drug. The Commissioner of Narcotics shall request the officers, agencies, and associations designated in section 4705 (c) (2) of the Internal Revenue Code of 1954 for an expression of their views on the subject, setting what he considers reasonable time limits for this purpose. After considering such expressions of views as shall be received within such time limits, he shall either (1) make the finding and designation by regulations, as authorized, with respect to the narcotic drug or compound of a narcotic drug, or (2) determine that the finding and designation cannot be made, notifying the recommending agency or association accordingly After publication of regulations making the requisite finding and designation, the oral prescription procedure described in paragraph (b) of this section shall be applicable to the narcotic drug or compound of a narcotic drug which was the subject of the finding and designation.

(d) If the Commissioner of Narcotics shall subsequently determine that a narcotic drug or a compound of a narcotic drug, to which the oral prescription procedure described in paragraph (b) of

this section has been made applicable, possesses a degree of drug addiction liability that, in his opinion, results in abusive use of such procedure, he shall by regulations publish the determination in the FEDERAL REGISTER. The determination shall be final and, after the expiration of a period of six months from the date of its publication, the oral prescription procedure described in paragraph (b) of this section shall cease to apply to the particular narcotic drug or to the particular compound of a narcotic drug which is the subject of the determination.

PAR. 6. Section 151.173 (Article 173) is amended to read as follows:

§ 151.173 *Forms to be used.* The Government does not furnish forms for written prescriptions or for recording oral prescriptions, and the order forms which are supplied must not be used as prescriptions. Any form for a written prescription or for recording an oral prescription may be used, provided the required data are shown thereon.

PAR. 7. Section 151.174 (Article 174) is amended to read as follows:

§ 151.174 *Filing.* Dealers who fill prescriptions shall keep the written prescriptions, and the written records of oral prescriptions, in a separate file in such manner as to be readily accessible to inspection by investigating officers for not less than two years.

PAR. 8. Section 151.175 (Article 175) is amended to read as follows:

§ 151.175 *Labels on containers.* The dealer filling a written or oral prescription shall affix to the package a label showing his name and registry number, the serial number of the prescription, the name, address and registry number of the practitioner issuing the prescription, and the name and address of the patient.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 4704, 4705, 4724, 4773, as amended by Pub. Law 729, 83d Cong., 68A Stat. 550, 551, 555, 567; 26 U. S. C. 4704, 4705, 4724, 4773)

Because the amendments made by this Treasury decision relieve restrictions under the stated conditions, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.
H. J. ANSLINGER,
Commissioner of Narcotics.

Approved: February 17, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F R. Doc. 55-1603; Filed Feb. 23, 1955; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

PART 592—PROCUREMENT BY NEGOTIATION

PART 596—CONTRACT CLAUSES

PART 597—TERMINATION OF CONTRACTS

PART 600—FEDERAL, STATE, AND LOCAL TAXES

PART 602—GOVERNMENT PROPERTY

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Sections 592.408–50, 592.408–51, and 592.408–52 are revised to read as follows:

§592.408–50 *Approval requirement.* Letter contracts, or any other type of preliminary contract, will not be used without prior approval of the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Purchases Branch, except that, subject to limitations imposed by § 592.408–53, heads and acting heads of technical services are authorized to issue letter contracts in amounts not to exceed $2,500,000 when the total estimated definitive contract amount is $5,000,000. When the total estimated amount of the definitive contract is less than $5,000,000 the maximum amount of any letter contract which the heads of technical services may authorize is 50 percent of such total estimated definitive contract amount. When the total estimated definitive contract amount of any procurement exceeds $5,000,000, or it is desired to award a letter contract for an amount in excess of 50 percent of the total estimated amount of the definitive contract, irrespective of such total, prior approval of the Deputy Chief of Staff for Logistics, Department of the Army Chief, Purchases Branch, is required before issuance of the letter contract. (For instructions as to information to be furnished in requesting authority to issue letter contracts as herein specified, see § 592.408–54.)

§ 592.408–51 *Redelegation of authority.* The authority delegated in § 592.408–50 may be redelegated by chiefs of technical services to the extent deemed necessary to personally selected members of their organizations. Such selected members are not authorized to redelegate this authority.

§ 592.408–52 *Supersedure by definitive contract.* Letter contracts will be superseded by definitive contracts at the earliest practicable date. Consequently, definitive contracts will be executed promptly after proper consideration has been given, when possible, to such factors as:

(a) Reasonable assurance that the terms reached are the minimum acceptable to the contractor and are fair both to the Government and the Contractor.

(b) Relationship to precedents as to price redetermination and profit established by similar contracts with Army Navy, Air Force, or other Government agencies;

(c) The effect on future contract negotiation with the Contractor and

(d) The primary importance of meeting phased delivery requirements.

2. Section 596.152 is revised to read as follows:

§ 596.152 *Price redetermination clauses.* Price redetermination clauses, as authorized in this section or by the Chief, Purchases Branch, Deputy Chief of Staff for Logistics, Department of the Army, may be included in negotiated fixed-price contracts in accordance with the requirements of §§ 3.401 and 3.403 of this title and §§ 592.401 and 592.403 of this subchapter. The following policy will apply to the administration of all price redetermination clauses:

(a) In price revision negotiations, the objective of the Contracting Officer shall be to negotiate a fair and reasonable revised price in which due weight is given to all relevant factors, including those taken into account when the initial contract price was negotiated. By way of illustration, but not limitation, full consideration shall be given to such matters as the Contractor's general performance, efficiency, economy, and ingenuity displayed in meeting contract requirements, including the delivery schedules, quality of the product, the character and extent of the subcontracting, cost data including questioned costs and the allocability and reasonableness of costs, changes in market conditions, competitive aspects of the original negotiations, as well as the competitive prices for the same or similar items, extent of Contractor's technical, production and financial risk, and Government assistance in the form of facilities, equipment, or financing. All of the above factors shall be considered to the extent pertinent to the specific negotiation and no price revision negotiation shall be based solely on a single factor. The record of the negotiations should be in sufficient detail to reflect the most significant considerations controlling the establishment of the revised price.

(b) Compliance with the policy stated in paragraph (a) of this section requires that Contracting Officers rely on educated judgment and not on mechanical rules or mathematical formulas. Compliance further requires that pricing decisions shall not be made solely on the basis of a determination of cost and profit. It follows that the Contracting Officer need not negotiate agreements with Contractors as to the individual elements of cost.

(c) In order that the positions of the Government and the Contractor will not be prejudice in price revision proceedings, such negotiations shall be conducted promptly.

3. Section 597.515 is revised to read as follows:

§ 597.515 *Audit of settlement proposals and subcontract settlements*—(a) *General.* Referral by the Contracting Officer to the Army Audit Agency of settlement proposals and requests for audit which are required to be submitted under the provisions of § 8.515 of this title will be governed by the provisions of § 606.206 of this subchapter. In addition to these requirements of audit support, Contracting Officers generally will

solicit accounting counsel from the cognizant audit agency on audit problems relating to prime or subcontract termination settlement proposals.

(b) *Subcontract settlement proposals.* (1) Every subcontract settlement proposal will be subject to review and examination by the Contracting Officer or his authorized representative, regardless of the amount involved. In performing the review, the Contracting Officer will give consideration to the cost and price aspects of the settlement proposal. The scope of the review will vary depending on the amount involved, the complexities of the claim, and the Contracting Officer's previous experience with the Contractor.

(2) Section 8.515 of this title provides that all subcontract settlement proposals be submitted to the cognizant audit agency for examination and recommendation when such proposals involve an amount of $25,000 or more or when the Contracting Officer considers an audit, in whole or in part, desirable. Subcontract settlement proposals in amounts less than $25,000 which are not submitted by the Contracting Officer to the audit agency for audit are nevertheless later subject to audit examination by the audit agency for the reason that the audit agency audits all prime contractors' settlement proposals and these must be supported by subcontractors' claims.

(3) Audits performed of subcontractors' termination settlement proposals by prime contractors, or higher-tier subcontractors, will be reviewed by the cognizant audit agency Where such audits are found to be acceptable by the cognizant auditor, no further audit will be required. Where the audit is not acceptable to the cognizant auditor, he may require further audit action on the part of the prime contractor or higher-tier subcontractor, or by Government auditors as deemed appropriate under the circumstances.

(4) Contracting Officers will instruct prime contractors to submit their accounting analyses of subcontractors' settlement proposals along with the proposed settlement with the subcontractors at the time the proposed settlement is forwarded for review and ratification by the Contracting Officer. If the Contracting Officer is not satisfied with the accounting examination or review made by the prime contractor or the lower-tier subcontractor of a subcontract settlement proposal for less than $25,000, he will submit the proposal to the appropriate audit agency for examination and recommendation together with a copy of the accounting analysis made by the Contractor.

(5) Settlement proposals under terminated subcontracts which are common to two or more prime contracts will require special consideration. To permit the Contracting Officer to make proper allocations to the prime contracts involved and to facilitate joint settlement of two or more claims by prime contractors pursuant to § 8.311 of this title, an audit usually is advisable even though some of the claims are for less than $25,000.

(6) The Contracting Officer and the prime contractor may agree that any audit or substantiation of subcontractors' costs will be undertaken by the Government instead of by the prime contractor or higher-tier subcontractor.

(c) *Reservation.* Nothing contained in this paragraph will be construed to limit the authority delegated by Contracting Officers to prime contractors pursuant to § 8.518–6 of this title.

4. Section 600.204 is added, as follows:

§ 600.204 *Communication, detection, or navigation receivers and components thereof.* (a) Section 4143, Internal Revenue Code of 1954, effective 1 January 1955, provides:

SEC. 4143. *Exemption for Sales to United States*—(a) *Communication, detection and navigation receivers.* No tax shall be imposed under Section 4141 with respect to the sale to the United States for its exclusive use of a communication, detection, or navigation receiver of the type used in commercial, military, or marine installations.

(b) *Components of communication receivers, etc.* Under regulations prescribed by the Secretary [of the Treasury] or his delegate, no tax shall be imposed under Section 4141 with respect to the sale of any article for use by the vendee as material in the manufacture or production of, or as a component part of, communication, detection, or navigation receivers of the type used in commercial, military, or marine installations if such receivers are to be sold by the vendee to the United States for its exclusive use. If any article sold tax-free to such vendee is not so used by him, or being so used the receiver is not so sold, the vendee shall be considered as the manufacturer or producer of such article.

(b) The identical exemption, contained in section 3404, Internal Revenue Code of 1939 (26 U. S. C. 3404 (1952 edition)) has been implemented by § 316.61a (26 CFR (1939) 316.61a Treasury Regulations 46 (1940)) (18 F R. 4115 (1953)) which outlines the extent of the exemption and sets forth procedures and forms to be used in obtaining the exemption. Pending issuance of new regulations, Treasury Regulations 46 implements Section 4143, Internal Revenue Code of 1954, and will be followed when it is advantageous to make use of such exemption.

5. Revise §§ 602.1501, 602.1502, 602.1502–1, 602.1502–2, 602.1502–3 and 602.1502–4 to read as follows:

§ 602.1501 *Sales of materials and special items.* Heads of Procuring Activities are authorized to approve the sale to employees, both Contractor and governmental, engaged in military production or construction, any uniforms, safety clothing and equipment, plant protective clothing, and other special articles necessary in the production or operation of national defense industries or establishments. Contracts for such sales will be made under the authority cited in § 606.401 of this subchapter and will comply with the requirements of §§ 606.416 and 606.417 of this subchapter.

§ 602.1502 *Exchange or sale of personal property and application of proceeds to purchase of similar items.*

§ 602.1502–1 *Authorization.* (a) Heads of Procuring Activities are authorized, with authority to make such successive redelegations as may be deemed appropriate, to exchange or sell personal property and to apply the exchange allowance or proceeds of sale thereof to the acquisition of similar property. This authorization is subject to the following condition.

(1) The items sold or exchanged are similar to the items acquired (see paragraph (b) of this section for clarification of the word "similar")

(2) The items acquired are to be used (whether or not intended for additional uses) in the performance of all or substantially all of the tasks or operations in which the items exchange or sold would otherwise be used, but the items acquired need not be the same in number nor used in the same location as the items sold or exchanged. *Provided,* That detailed cross-identification between old and new items will not be required in the absence of specific requirements of law, but in the absence of such cross-identification, there shall be furnished to the General Accounting Officer sufficient accounting data to establish that the items acquired were similar to the items exchanged or sold, that any exchange allowances or proceeds of sale applied in whole or part payment of property acquired were in fact available for such application, and that the transaction was otherwise in accordance with this procedure; and

(3) There has been at the time of transfer or sale an administrative determination to apply the exchange allowance or proceeds of sale in acquiring property which determination shall support each schedule of collections covering such proceeds of sale.

(b) Items shall be deemed "similar" when:

(1) They are substantially alike in all material aspects and characteristics, excluding, however, condition, year model, size or capacity and manufacturer or

(2) The Head of a Procuring Activity or his representative duly authorized for the purpose, finds in writing that they resemble each other in most material aspects and characteristics and are adaptable to the same or comparable uses, which finding shall support each purchase document covering property acquired pursuant thereto or

(3) They constitute parts of or for assembled items, or containers for items, which items are similar within the meaning or subparagraphs (1) or (2) of this paragraph.

(c) Sections 602.1502 to 602.1502–4 shall not be construed to authorize;

(1) The acquisition of personal property by a procuring activity when such acquisition is not otherwise authorized by law

(2) The acquisition of personal property by a procuring activity in contravention of (i) any restriction upon the procurement of a commodity or commodities, or (ii) any replacement policy or standard, prescribed by the President or by the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 (Pub. Law 152, 81st Congress) (63 Stat. 377, 40 U. S. C. 481)

(3) The purchase or acquisition of personal property other than under a consolidated purchasing or stores program or Federal Supply Schedule contract where procurement under such program or contract is required by regulations or other directives prescribed by the Administrator· *Provided,* That a procuring activity acquiring an item or items under and in accordance with such program or contract may sell or exchange similar items and apply the exchange allowance or proceeds of sale as provided in this section; or

(4) The sale, transfer, or exchange of excess or surplus property in connection with the purchase or acquisition of personal property· *Provided,* That a procuring activity obtaining items of excess or surplus property as authorized by law may thereafter exchange or sell such items and apply the exchange allowance or proceeds of sales as provided in this section.

§ 602.1502–2 *Reporting for screening.* (a) All primary and secondary metal working machinery and all machine tools and equipment listed in Federal Supply Classification Groups 33 and 34, to be sold or exchanged under the provisions of §§ 602.1502 to 602.1502–4 will be reported for screening on Standard Form 120 (Report of Excess Personal Property) to the Materiel Redistribution Division, Bureau of Supplies and Accounts, Department of the Navy unless direct exchange is proper without solicitation of bids and the need for the replacement item will not permit the waiting period required for screening.

(b) Reporting will be in the same manner as is required for Technical Service Excess Property in section III, AR 755–6 (Army regulations governing the reporting of station and technical service excess personal property) with the exception of the instructions pertaining to spaces 17 (i) and (j) of the reporting form. The reporting activity is authorized to submit a competent appraisal of the cash market value of an item or items reported and in such cases this appraised value will be shown in space 17 (j) and the heading "fair value" changed to read "appraised value."

(c) Each reporting form used for the listing of items to be screened will be marked clearly with the notation, "This materiel for sale or exchange under provisions of section 201 (c) Public Law 152, 81st Congress."

(d) Items reported will be coded by the reporting activity as to condition in accordance with the condition code set forth in AR 755–6.

§ 602.1502–3 *Screening of personal property in the interest of utilization prior to sale or exchange.* The rules and procedures under which those items of personal property mentioned in § 602.1502–2 (a) will be screened prior to the application of the authority granted in §§ 602.1502 to 602.1502–4 are as follows:

(a) Items reported for sale or exchange in accordance with § 602.1502–2 will be screened by the Materiel Redistribution Division, Bureau of Supplies and Accounts, Department of the Navy, for utilization by the military departments and will be offered concurrently to the General Services Administration to provide possible utilization by other Government Agencies. Military requests for any property reported will be given first priority. A fair exchange price will be determined either by (1) the reporting activity, by competent appraisal of the cash market value, or (2) the Department of Defense fair value code set forth in AR 755–5 (Army Regulations governing disposition of excess and surplus personal property)

(b) Screening by the Materiel Redistribution Division, Bureau of Supplies and Accounts, Department of the Navy and the General Services Administration will be limited to a period of ninety days. Authority to dispose of reportable exchange or sale property will become automatic upon the expiration of the ninety day period. Materiel Redistribution Division will notify the holding activity of the automatic release date.

§ 602.1502–4 *Sale.* (a) Heads of Procuring Activities are encouraged to utilize the services of property disposal officers with respect to the sale of property as authorized in paragraph 35, AR 755–5.

(b) Disposition of proceeds of sales will be in accordance with paragraph 62B, AR 755–7 (Army regulations governing disposition of Surplus personal property)

6. In § 606.203–4, paragraph (b) is amended to read as follows:

§ 606.203–4 *System of numbering.*

* * *

(b) *Supplemental agreements and change orders.* Supplemental Agreements and Change Orders will bear the same identification as the contract which is modified or amended thereby The same series of consecutive numbers will be used for either supplemental agreements or change orders.

Example: Modification No. 1—Supplemented Agreement to Contract DA 09–177–AIII–1; Modification No. 2—Change Order to Contract DA 09–177–AIII–1. This numbering system shall apply to all contracts executed on and after January 1, 1955.

* * * * *

7. Sections 606.203–7 and 606.204–1 are revised to read as follows:

§ 606.203–7 *Assignment, cancellation, or alteration of letter symbols and station numbers.* The letter symbol or station number of a contract number shall not be altered in any way without the express approval of the Chief of Finance. Request for assignment, cancellation, or alteration of station numbers shall be in accordance with paragraph 4, SR 35–218–1 (Special regulations of the Army regarding fiscal stations and disbursing station symbol numbers) Requests for assignment, cancellation, or alteration of letter symbols should be addressed to the Office of the Chief of Finance, ATTN: Advisory Services Division, which will secure the necessary approval from the Comptroller General of the United States. Generally only those procuring activities which receive allocations of funds direct from the Comptroller of the Army will be approved.

§ 606.204–1 *Personal or professional services.* Experts or consultants will be employed by formal contract, as set forth in paragraph (a) of this section, or by appointment, as set forth in paragraph (b) of this section.

(a) *Employment of experts or consultants by formal contract*—(1) *Statutory authority.* (i) Section 15 of the Act approved August 2, 1946 (Pub. Law 600, 79th Cong., 60 Stat. 810· 5 U. S. C. 55a) provides that:

The head of any department, when authorized in an appropriation or other act, may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract, and in such cases such service shall be without regard to the civil-service and classification laws (but as to agencies subject to the Classification Act at rates not in excess of the per diem equivalent of the highest rate payable under the Classification Act, unless other rates are specifically provided in the appropriation or other law) and, except in the case of stenographic reporting services by organizations, without regard to section 3709, Revised Statutes, as amended by this act.

(ii) Section 701 of the Department of Defense Appropriation Act, 1955 (Pub. Law 458, 83d Cong.) approved June 30, 1954, provides that:

During the current fiscal year, the Secretary of Defense and the Secretaries of the Air Force, Army, Navy, respectively, if they should deem it advantageous to the national defense, and if in their opinions, the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the act of August 2, 1946 (5 U. S. C. 55a) but at rates for individuals not in excess of $50 per day, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law· *Provided,* That such contracts may be renewed annually.

(2) *Classes of authorized contracts.* The Secretary is authorized by section 15 of the act of August 2, 1946 and Section 701 of the Department of Defense Appropriation Act of 1955 to approve the following classes of contracts:

(i) Contracts for temporary or intermittent stenographic reporting services.

(ii) Contracts which provide for performance of temporary or intermittent personal services by experts or consultants, or organizations thereof, contemplating supervision of the Contractor by Government personnel, and not requiring the Contractor, as an integral part of the contract, to furnish an end item or product.

(3) *Delegation of authority.* The Secretary has determined that the existing facilities of the Department of the Army will be inadequate during fiscal year 1955 and that the procurement by contract of certain categories of services, within the classes set forth in subparagraph (2) of this paragraph, will be advantageous to the national defense. Accordingly, he has delegated to the Deputy Chief of Staff for Logistics, Department of the Army with authority to redelgate, authority to approve the award of contracts for the following

categories of services, including authority to extend, amend and modify such contracts:

(i) Contracts for the personal services of alien specialists necessary to meet the requirements of "Project Paperclip" and "Project 63."

(ii) Contracts for the personal services, to be performed outside the continental limits of the United States, of experts and consultants in the fields of law, communications, geodetics, topography anthropology dentistry chemical analysis, land appraisal, and ship piloting.

(iii) Contracts for stenographic reporting services in connection with the functions of the Inspectors General of the procuring activities and of claims and appeals boards of the technical services, in those cases where the services of Government personnel are not available.

(iv) Contracts for the personal services of actors, narrators, and other technical and professional personnel necessary in connection with the production of motion pictures.

(v) Contracts for the personal services of experts and consultants in the fields of communications, navigation, radar, sonar, and electronics, required in connection with the operations of the Department of the Army in Alaska.

(4) *Limitations on use of delegated authority.* The exercise of this delegation of authority and any redelegation thereof, is subject to the following terms and conditions:

(i) Except in cases where individuals are brought to the United States under the waiver of documentation procedures permitted by the act of June 27, 1952 (66 Stat. 166; 5 U. S. C. 1101 et seq.) appropriate security clearance will be obtained from Assistant Chief of Staff, G–2, prior to the award of any contract under subparagraph (3) (i) of this paragraph.

(ii) Contracts shall not provide for the performance of services beyond the close of the fiscal year during which they are executed.

(iii) Rates of compensation shall be as follows:

(*a*) *For organizations.* The rate of profit in fixed-price contracts and the rate of fixed fee in cost-plus-a-fixed-price contracts shall be the minimum that can be negotiated. However, any contract award involving payments for wages and salaries which exceed an average amount of $50.00 per man-day shall be submitted to the Deputy Chief of Staff for Logistics, Department of the Army ATTN Chief, Purchases Branch, for prior approval.

(*b*) *For individuals.* Compensation for individuals shall, to the maximum extent practicable, be substantially equivalent to that of the corresponding Civil Service grade, but shall not in any case exceed $50 per day, plus travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return, as may be authorized by law.

(iv) The award of a contract shall not be approved unless the approving authority certifies in writing that such contract is advantageous to and necessary for the national defense, that existing facilities of the Department of the Army are inadequate to accomplish the required services, and that the compensation specified therein is considered reasonable. In addition, the approving authority shall certify in writing that the employment of the proposed Contractor will not be in excess of the civilian personnel authorization established by the Department of the Army for that procuring activity These certifications will not be required in the case of contracts to meet the requirements of "Project 63."

(5) *Redelegation of authority.* The Deputy Chief of Staff for Logistics has redelegated the authority outlined above to various heads of Procuring Activities, with or without further authority to redelegate, in separate communications.

(6) *Approval requirements.* Each contract for stenographic reporting services or for personal services of experts and consultants, negotiated under the above or any other statutory authority and each supplemental agreement or change order making a material change in such contract, shall contain a provision stating that it is subject to the approval of the Secretary or his delegate, and shall not be binding until so approved. The request for approval of award of the contract, supplemental agreement, or change order shall be forwarded by the requesting procurement office through channels to the approving authority Where approval by an authority higher than the Head of a Procuring Activity is required, the Head of the Procuring Activity involved shall forward the request for approval of award to the Deputy Chief of Staff for Logistics, Department of the Army ATTN Chief, Purchases Branch. The request for approval shall refer specifically to the above quoted statutory authorities and shall furnish a complete statement of facts supporting the determinations required by statute to be made by the Secretary or his delegate. The request for approval shall also include the information required by § 606.205, as applicable, and shall contain a statement as to availability of funds and a reference to the Project Account Number, Appropriation Symbol, and the statutory authority under which appropriated. The request for approval shall also contain a statement, or be accompanied by a supporting certificate personally signed by the Chief of the requesting procurement office, reading substantially as follows (where approval by an authority higher than the Head of a Procuring Activity is required, such certificate shall be personally signed by the Head of the Procuring Activity involved, his Deputy, or his Chief of Staff)

The proposed contract is advantageous to and necessary for the national defense; existing facilities of the Department of the Army are inadequate to accomplish the required services, and compensation specified therein is considered reasonable.

The request for approval shall also contain the certification that—

"The employment of _____
(Name of contractor)
will not be in excess of the civilian personnel authorization established by the Department of the Army for the _____."
(Procuring activity)

(7) *Limitations on compensation.* The provisions of subparagraph (4) (iii) of this paragraph, shall apply to proposed contract awards submitted by Heads of Procuring Activities for approval by higher authority

(8) *Contract period.* Proposed contract awards submitted by Heads of Procuring Activities for approval by higher authority shall not provide for the performance of services beyond the close of the fiscal year during which the proposed contracts will be executed, except that this requirement shall not apply to proposed contracts obligating funds which will be available for expenditure during a period in excess of a fiscal year.

(b) *Employment of experts or consultants by appointment.* Pursuant to the statutory authorities set forth in paragraph (a) (1) of this section, the Secretary of the Army has authorized the Director of Civilian Personnel, Department of the Army to obtain the services of experts and consultants by appointment. The procedures for making such appointments are set forth in Department of the Army Civilian Personnel Regulations. The services of experts and consultants will be procured by appointment, rather than by formal contract, except in the following instances:

(1) Where the services are included in the categories set forth in paragraph (a) (3) of this section.

(2) Where the services will be performed by foreign nationals other than those covered by paragraph (a) (3) (i) of this section.

(3) Where the services will be performed outside the continental limits of the United States or in Alaska in fields other than those covered by paragraph (a) (3) (ii) and (v) of this section.

(4) Where stenographic reporting services will be performed in areas of activity other than those covered by paragraph (a) (3) (iii) of this section.

(5) Where management engineering services of a personal services nature will be performed.

(6) Where architect-engineer services of a personal services nature will be performed § 606.204–4.

(7) Where the services will be performed by organizations of experts or consultants.

(8) Where special circumstances, such as the nature of the services or the professional standing of the expert or consultant, warrant the use of a formal contract. Such special circumstances will be set forth in the request for approval.

(c) *Contracts for employment of other than experts or consultants which may involve personal or professional services.* (1) Contracts with individuals or organizations containing any one or more of the following elements will be submitted to the level of the Head of the Procuring Activity involved, for review:

(i) Payment to the Contractor will be rendered on a time basis.

(ii) The contract calls for no definite end item.

(iii) The contract provides for or will require supervision by Government personnel of its performance, other than the administrative supervision exercised by a Contracting Officer.

(2) The foregoing shall not apply to time and material contracts as set forth in § 592.407 of this subchapter.

(3) This paragraph does not authorize Heads of Procuring Activities to approve contracts for experts or consultants, or organizations thereof, or contracts for stenographic reporting services. Requests for approval of awards of such contracts will be processed in accordance with paragraph (a) of this section.

8. Sections 606.204–4 (b) (5) 606.204–5, 606.204–6, 606.204–7, 606.204–8, 606.204–9, 606.204–10, 606.204–11 and 606.204–12 are revised to read as follows:

§ 606.204–4 *Architect-engineer contracts.* * * *

(b) * * *

(5) Commanding Generals, First, Fourth, Fifth, and Sixth Armies, and the Chief, Armed Forces Special Weapons Project, in the amount of $10,000 for each category of architect-engineer services.

* * * * *

§ 606.204–5 *Utility service contracts.* The Chief of Engineers, acting for the Secretary of the Army is the Department of the Army Power Procurement Officer. The Chief of the Repairs and Utilities Division, Office, Chief of Engineers, is the Deputy Department of the Army Power Procurement Officer. The following utility service contracts and modifications entered into within the United States, its Territories, and possessions, shall be submitted for approval to the Department of the Army Power Procurement Officer (Office of the Chief of Engineers) including the information required by § 606.205 (b)

(a) Contracts or modifications of existing contracts for electric service where the basic contract, or as it may have been modified previously is for 500 kilowatts or more, or where the modification increases the basic contract with any previous modifications thereof to 500 kilowatts or more, or where the basic contract use may have increased automatically to 500 kilowatts or more.

(b) All other utility service contracts or contract modifications where the basic contract, or as it may have been modified previously entails an estimated cost of $10,000 a year or more; or where the modification increases the estimated annual cost under the basic contract with any previous modifications thereof to $10,000 a year or more; or where the basic cost may have increased automatically to $10,000 a year or more.

(c) Contracts and modifications thereto for utility services which provide that they are entered into subject to the approval of the Department of the Army Power Procurement Officer and will not be binding until so approved.

(d) All utility service contracts which deviate from approved contract forms.

§ 606.204–6 *Negotiated contracts in general.* Award approvals required for all negotiated contracts for supplies, services, approved research and development projects within the research and development program, or construction, not included in §§ 606.204–1 through 606.204–5, are as indicated below.

(a) *Chief, Purchases Branch.* Awards of negotiated contracts not included in §§ 606.204–1 through 606.204–5, except as otherwise specifically delegated in writing, will be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Purchases Branch, for approval when (1) the amount exceeds $5,000,000 and the contract is being entered into by a Contracting Officer under the jurisdiction of a technical service, or (2) the amount exceeds $100,000 and the contract is being entered into by a Contracting Officer not under the jurisdiction of a technical service.

(b) *Chiefs of Technical Services.* Chiefs and acting chiefs of technical services are authorized to approve awards of negotiated contracts not included in §§ 606.204–1 through 606.204–5, in amounts not in excess of $5,000,000 except as otherwise specifically delegated in writing. This authority may be redelegated by chiefs of technical services to the extent deemed necessary without authority of further redelegation. Subject to any further instructions which may be issued by the chief of a technical service, contracts included in this paragraph amounting to less than $100,000 do not require approval by higher authority.

(c) *Heads of Procuring Activities other than Technical Services.* Heads of Procuring Activities other than Technical Services are authorized to approve awards of negotiated contracts not included in §§ 606.204–1 through 606.204–5, in amounts not in excess of $100,000. This authority may be redelegated to the extent deemed necessary without authority of further redelegation.

(d) *Armed Services Medical Procurement Agency.* The Chief, ASMPA, and his Deputy are authorized to approve awards of negotiated contracts that come within the ASMPA Charter as approved by the Department of Defense in amounts not in excess of $1,000,000.

§ 606.204–7 *Major oversea commands.* The authority (set forth in § 606.204–6 (a)) of the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army to grant approval of certain awards of contracts is delegated to, and will be exercised by, commanding generals of major oversea commands for those contracts entered into by Contracting Officers under their jurisdiction. This authority may be redelegated by commanding generals of major oversea commands to the extent deemed necessary, without authority of further redelegation.

§ 606.204–8 *Contracts entered into under authority of Title II, First War Powers Act 1941, as amended.* Approval of awards of contracts entered into under the authority of Title II, First War Powers Act, 1941, as amended, will be required and secured in accordance with procedures contained in Subpart D of this part.

§ 606.204–9 *Modifications of contracts.* (a) Heads of Procuring Activities are authorized to approve supplemental agreements to existing supply, research and development or nonpersonal contracts, except Utility Service Contracts (§ 606.204–5) regardless of dollar value under the conditions set forth below. This authority may be redelegated at the discretion of the Head of a Procuring Activity subject to the same conditions.

(1) The proposed supplement pertains to (i) a basic contract previously approved by the Deputy Chief of Staff for Logistics, or higher authority; or, (ii) pertains to a basic contract having a previous supplement which has been so approved.

(2) The proposed supplement contains no deviations from procurement regulations which were not authorized for use in the previously approved basic contract or supplement.

(3) The profit or fee does not exceed any limitation imposed on the Head of the Procuring Activity

(4) Terms and conditions of the proposed supplement are such that there is no statutory requirement for approval by higher authority Supplements to facilities contracts involving nonseverable facilities will continue to be submitted to the Deputy Chief of Staff for Logistics, for approval.

(5) The proposed supplement applies to an approved program for which funds are available.

(b) Any supplemental agreement, change order, or any other type of modification of a contract coming within the purview of § 606.204–8 (or otherwise proposed to be entered into pursuant to the authority granted in Title II, First War Powers Act, 1941, as amended) will conform to the requirements of Subpart D of this part.

§ 606.204–10 *Exigency and competition impracticable.* Requests requiring approval of higher authority of contracts or awards of contracts negotiated under the authority of § 3.202 of this title and § 592.202 of this subchapter (Public Exigency) may be submitted by telegraph or radio. In addition to the information required by § 606.205, requests for approval of awards of contracts negotiated under the authority of § 3.210 of this title and § 592.210 of this subchapter will set forth the specific grounds upon which impracticability of competition was based.

§ 606.204–11 *Contract review.* At least one competent person, whether or not presently assigned to such office, will be assigned to the duty of reviewing in an advisory capacity all contracts prior to contract approval by the subordinate commanders or chiefs of field offices. This review will apply to both advertised and negotiated procurements, regardless of the level of procuring authority and will be for the purpose of insuring that the clauses and conditions of the contract comply with the principles of good procurement and that the interest of the Government is adequately protected. In those instances wherein this is imprac-

ticable, this provision may be waived upon determination made to that effect by the army commander, major oversea commander, Commanding General, Military District of Washington, or the chief of a technical service, as appropriate.

§ 606.204–12 *Approval clause.* If approval of a contract, supplemental agreement, or change order by any officer or official of the Army Establishment other than the Contracting Officer is required pursuant to this subchapter, the "Approval of Contract" clause set forth in § 7.105–2 of this title will be included, all changes and deletions will have been made before such approval is requested, and the contract will not be valid until such approval has been obtained.

9. In §606.205, the opening portion of paragraph (b) is changed to read as follows:

§ 606.205 *Information to be furnished when requesting approval of contracts or awards.* * * *

(b) *Information required by the Department of the Army Power Procurement Officer* Requests for approval of utility contracts and modifications referred to in § 606.204–5 will include the following information:

* * * * *

10. Add paragraph (f) to § 606.206–3 and add paragraph (e) to § 606.206–4, as follows:

§ 606.206–3 *Numbered contracts.* * * *

(f) A copy of each contract for research and development which initially obligates funds in the amount of $250,000 or more will be forwarded to the Chief of Research and Development, Department of the Army Washington 25, D. C.

§ 606.206–4 *Unnumbered contracts.* * * *

(e) A copy of each contract for research and development which initially obligates funds in the amount of $250,000 or more will be forwarded to the Chief of Research and Development, Department of the Army Washington 25, D. C.

11. Sections 606.206–5 and 606.206–7 (b) are revised to read as follows:

§ 606.206–5 *Supplemental agreements and change orders.* Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain and the Contracting Officer will note on his retained copy of the supplemental agreement or change order the date on which the Contractor's number was delivered or mailed to him. In addition; Chiefs of Technical Services will forward to the Chief of Research and Development, Department of the Army Washington 25, D. C., a copy of each supplemental agreement or change order (together with a copy of the basic contract if not previously furnished) relating to contracts for research and development whenever the latest modification has the effect of increasing the cumulative total amount obligated on the basic contract to $250,000 or a multiple thereof.

§ 606.206–7 *Distribution to audit agencies of procurement contracts and other documents.* * * *

(b) In addition to the contractual documents required by paragraph (a) of this section, the Contracting Officer will within five days after receipt thereof from the Contractor forward an original and one copy of all documents listed below which are furnished by the Contractor in accordance with each contract referred to in paragraph (a) of this section or which are requested or acquired by the Contracting Officer:

(1) Cost statements.

(2) Financial data.

(3) Subcontract termination settlement proposals in connection with contracts terminated for the convenience of the Government (including inventory schedules and DD Forms 546—Schedule of Accounting Information) as provided in § 8.515 (b) of this title.

(4) Prime contract termination settlement proposals in connection with contracts terminated for the convenience of the Government (including inventory schedules and DD Forms 546—Schedule of Accounting Information)

(5) Other related information.

A copy of the cost statements and other data furnished will be retained by the audit agency and filed with the audit work papers. Originals will be returned at the time of submission of the audit report or at the time the audit agency determines that an audit is not to be initiated.

* * * * *

[C7, APP January 19, 1955] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
Major General, U S. Army,
The Adjutant General.

[F R. Doc. 55–1604; Filed, Feb. 23, 1955; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–1A (Formerly NPA Order M–11A), Amdt. 7 of February 21, 1955]

M-11A—COPPER AND COPPER-BASE ALLOYS

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A) as amended, by changing the amount of production capacity which producers of copper controlled materials must reserve for the acceptance of authorized controlled material orders.

Paragraph (b) of section 9 of BDSA Order M-11A, as amended by Amendment 6 of November 12, 1954, is hereby further amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity required to produce a quantity by weight of such products, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

	Percentage for orders calling for delivery—	
	Prior to Apr. 1, 1955	After Mar. 31, 1955
Brass mill products:		
Unalloyed:		
Plate, sheet, strip, and rolls	8	7
Rod, bar, shapes, and wire	11	10
Seamless tube and pipe	6	5
Alloyed:		
Plate, sheet, strip, and rolls	12	8
Rod, bar, shapes, and wire	5	5
Seamless tube and pipe	19	20
Military ammunition cups and discs	(1)	40
Copper wire mill products:		
Copper wire and cable:		
Bare and tinned	8	7
Weatherproof	8	7
Magnet wire	8	7
Insulated building wire	8	7
Paper and lead power cable	8	7
Paper and lead telephone cable	8	7
Asbestos cable	8	7
Portable and flexible cord and cable	8	7
Communications wire and cable	8	7
Shipboard cable	8	7
Automotive and aircraft wire and cable	8	7
Insulated power cable	8	7
Signal and control cable	8	7
Coaxial cable	8	7
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	8	7
Copper foundry products	7	8
Unalloyed copper powder mill products	5	(2)
Copper-base alloy powder mill products	(1)	(2)

[1] Reserve space provided by means of production directives.

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 7 (f) of this order does not apply to such authorized controlled material orders.

(64 Stat. 816, 67 Stat. 129; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect February 21, 1955.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
GEORGE W AUXIER,
Executive Secretary.

[F R. Doc. 55–1648; Filed, Feb. 23, 1955; 9:08 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MANITOWOC RIVER, WISCONSIN

Pursuant to the provisions of section 5 of the River and Harbor Act of Au-

gust 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.650 is hereby amended to provide for additional closed periods for the Eighth and Tenth Street Bridges in Manitowoc, Wisconsin, and for other minor changes in the regulations, as follows:

§ 203.650 *Manitowoc River Wis., bridges*—(a) *Bridges at Eighth and Tenth Streets, Manitowoc, Wis.* (1) The draws of the above-named bridges shall be immediately opened for the passage of vessels at all times during the day or night except between the hours of 6:50 a. m. and 7:00 a. m., 7:50 a. m. and 8:00 a. m., 11:55 a. m. and 12:10 p. m., and 12:45 p. m. and 1:00 p. m., upon a signal of three short blasts of the vessel's signaling device for the Eighth Street bridge, and upon a signal of two short and one long blasts, similarly given for the Tenth Street bridge: *Provided,* That the exception as to hours stated in this subparagraph shall not apply on Saturdays, Sundays, and legal holidays, consisting of New Year's Day Memorial Day Independence Day Labor Day, Thanksgiving Day, and Christmas Day, or on the Monday following such holidays when they occur on a Sunday.

(2) In case street traffic shall have been delayed by reason of the draws of either of the above-named bridges having been continuously open for 10 minutes or more for the passage of vessels, the draws of said bridges may be closed, but shall be again opened for the passage of any vessel as soon as practicable: *Provided,* That in such case the opening of either of the above-named bridges for the passage of any vessel shall not be delayed more than 5 minutes after the proper signal is given.

(3) When signal is given by a car ferry or other large vessel to pass either of the two bridges, the remaining bridge shall also be promptly opened so that such vessel shall not be held between the two bridges.

(4) In case either draw cannot be immediately opened when the signals are given, a red flag or ball by day or a red light at night shall be conspicuously displayed on the bridge in full view of the vessel.

(b) *Minneapolis, St. Paul, and Sault Ste. Marie Railway Co. bridge at Manitowoc, Wis.* (1) The owners or operators of the drawbridge shall provide the same with the necessary tender and the proper mechanical appliances for the safe, prompt, and efficient opening of the draw for the passage of vessels.

(2) The draw of the bridge shall be immediately opened on proper signal for the passage of approaching vessels.

(3) The signal for the opening of the draw, upon the approach of a vessel from either direction, shall be two short and one long blasts of the vessel's signaling device sounded within reasonable hearing distance of the bridge.

(4) The signal from the bridge to indicate that the vessel's signal has been received, but not to indicate passage, shall be three loud and distinct strokes of a bell or three distant blasts of a whistle.

(5) If for any reason the draw cannot be operated, two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and showing both upstream and downstream, shall be flashed alternately or if the lights cannot be flashed, a conspicuous red flag by day and a red light by night shall be waved from the bridge upon receipt of the signal from the vessel so that it can be seen clearly by the master of the vessel.

(6) A red ball by day and a red light by night shall be kept in a conspicuous elevated position above the top of the control house while the bridge is closed and each shall be lowered into a box out of sight from all directions when the opening of the bridge is begun.

[Regs, February 11, 1955, 823.01 (Manitowoc River, Wis.)–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
Major General, U S. Army,
The Adjutant General.

[F R. Doc. 55-1601; Filed, Feb. 23, 1955; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In Part 21, all subpart designations and titles are deleted.

1a. Immediately above § 21.2000, add the centerhead "Veterans' Readjustment Assistance Act of 1952"

2. In § 21.2005, paragraph (a) (13) is amended to read as follows:

§ 21.2005 *Definitions.* (a) * * *

(13) The term "delimiting date" means August 20, 1954, or the date 3 years after the veteran's discharge or release from active service, whichever is the later.

* * * * *

3. In § 21.2011, paragraphs (b) and (c) are amended to read as follows:

§ 21.2011 *Determinations respecting active service requirements.* * * *

(b) *Questionable discharges.* In all cases where the discharge is neither honorable nor dishonorable, and it is not clear whether the circumstances under which the veteran was discharged or released from active duty might bar eligibility to education or training, the question will be referred by memorandum to the adjudication division (regional office) or to the veterans claims division, Veterans Benefits Office, District of Columbia (for jurisdiction of latter see § 3.1025 of this chapter) for appropriate determination, prior to initiating further action toward the issuance of a certificate for education and training.

(c) *Discharges for disability.* When an application for education or training is received and the veteran had fewer than 90 days' service as defined in paragraph (d) of this section, but was discharged for disability, the vocational rehabilitation and education activity will refer the facts in the case to the adjudication division (regional office cases) or to the veterans claims division, Veterans Benefits Office, District of Columbia (for jurisdiction of latter see § 3.1025 of this chapter) for development of disability service data and a formal memorandum rating as to whether such discharge was by reason of an actual service-incurred injury or disability.

* * * * *

4. In § 21.2012, a new paragraph (c) is added as follows:

§ 21.2012 *Commencement; time limitations.* * * *

(c) *Programs pursued by correspondence.* Enrollment on or before the statutory delimiting date in a program to be pursued exclusively by correspondence study will constitute the initiation of that program only. Accordingly after the applicable delimiting date, a veteran who is pursuing a program exclusively by correspondence study may not thereafter change to a program to be pursued by residence study.

5. In § 21.2013, paragraph (a) is amended to read as follows:

§ 21.2013 *Expiration of all education and training.* (a) No education or training shall be afforded to any individual veteran beyond a date 8 years following the end of the basic service period, or the date 8 years after his discharge or release from active service, whichever is the earlier.

* * * * *

6. In § 21.2014, paragraph (c) (3) is amended to read as follows:

§ 21.2014 *Duration of veteran's education or training.* * * *

(c) *Charges against and exhaustion of entitlement.* * * *

(3) *Correspondence courses.* In the case of any veteran who is pursuing a program of education or training exclusively by correspondence, one-fourth of the elapsed time in following such program of education or training shall be charged against the veteran's period of entitlement. Elapsed time for computation purposes will commence to run as of the date the first lesson of the course enrolled for was supplied to the veteran by the enrolling institution and will terminate as of the date the last lesson supplied was serviced by that institution (§ 21.2055 (a) (1))

7. In § 21.2015, paragraphs (b) and (c) (1) are amended to read as follows:

§ 21.2015 *Considerations respecting training under other laws administered by the Veterans' Administration.* * * *

(b) *Training under Part VII, Veterans Regulation 1 (a) following training under Public Law 550, 82d Congress.* (1) For the purpose of preventing the pyramiding of benefits, a veteran who enters, continues to pursue for a period of more than 30 days, or resumes training under Public Law 550 after notification that need and eligibility for vocational rehabilitation have been established will be limited to a total period of training under both Public Law 550 and Part VII which will not exceed 48 months (except as provided in § 21.2014 (b)) unless the veteran's case meets the

condition of subdivision (i) or (ii) of this subparagraph.

(i) Training under Part VII in excess of 4 years would have been authorized under that part in accordance with § 21.206 (a) (1) (i), (iii) or (iv) had the veteran chosen training under Part VII when he became eligible therefor. In any such case the aggregate under Public Law 550 and Part VII may equal the amount of training that would have been authorized under Part VII.

(ii) Training under Part VII in excess of 4 years would have been authorized under that part in accordance with § 21.206 (a) (1) (ii) for a veteran who has been in training under Public Law 550 for an objective which might reasonably have been selected for him under Part VII had he entered training under Part VII when he became eligible therefor. In any such case the aggregate under Public Law 550 and Part VII may equal the amount of training that would have been authorized under Part VII.

(2) In any case where training cannot be completed within the time specified in subparagraph (1) of this paragraph the veteran will be informed that his application cannot be approved but will be reconsidered if he pursues, independently of the Veterans' Administration, a sufficient portion of the course to enable him to complete the remainder within the applicable time limitations specified in subparagraph (1) of this paragraph. Where the veteran signifies that he will pursue such portion of the course independently of the Veterans' Administration under these conditions he will be advised that when he has completed such sufficient portion of the course on his own, upon request, he wil be entered into training under Part VII to complete the remainder of the course: *Provided*, That, in the meantime, his disability rating is not reduced to less than compensable and the service connection of his disability is not severed. Such advice will be confirmed by letter to the veteran.

(3) Except in those cases where the provisions of subparagraph (1) of this paragraph are applicable, when a veteran while in training or during a period of interruption for a valid reason under Public Law 550 becomes eligible under Part VII and is determined to be in need of vocational rehabilitation, there shall be prescribed and provided whatever course of vocational rehabilitation is needed to restore his employability notwithstanding any education or training he may have received under Public Law 550. If the course under Part VII alone will require training in excess of 48 months the case must be processed under the provisions of § 21.206.

(4) Except as provided in § 21.296 (c) (2) training time under Public Law 346, 78th Congress, as amended, will not be for consideration in determining the amount of training which may be afforded under Public Law 894, 81st Congress, as amended, where such training under Public Law 894 follows training under Public Law 550.

(c) *Educational and vocational guidance required for veterans eligible under both Part VII, Veterans Regulation 1 (a) and Public Law 550, 82d Congress.* (1) When a veteran who has basic eligibility under Part VII applies for education or training under this Law, appropriate action will be completed promptly on his application and a certificate for education or training will be issued, if in order. Coincidental with this action he will be notified to report for required educational and vocational guidance and, if he does report, a determination will be made as to whether he is in need of vocational rehabilitation: *Provided*, That the veteran will not be required to report for educational and vocational guidance if a determination as to need for vocational rehabilitation has previously been made on the basis of a disability resulting from service on or after June 27, 1950. If the veteran reports promptly for educational and vocational guidance when scheduled, the provisions of paragraph (b) (3) of this section will be applied to the extent that training under this Law pursued prior to the completion of the educational and vocational guidance process will not be the basis for reducing the period of training necessary for restoring employability.

* * * * *

8. In § 21.2031, subparagraphs (1) (3) (7) and (8) of paragraph (a) are amended to read as follows:

§ 21.2031 *Applications; approval*—(a) *Application.* (1) Each original application for a program of education or training of whatever character permitted under Public Law 550, 82d Congress, shall be filed with the Veterans' Administration on VA Form 7–1990, and the effective date of any such application will be the date of its receipt in the Veterans' Administration. (See § 21.2054 (a).)

* * * * *

(3) (i) A veteran will be required to specify in his application (VA Form 7–1990) the program of education or training for which he applies and the name and address of the institution or establishment wherein he expects to commence his program.

(ii) If the veteran intends to pursue a program in a college or university he shall state the curriculum or curricula which he intends to pursue in order to reach his objective. Thus, his program will be stated in terms, such as bachelor of science, bachelor of arts, master of arts, and the like. If the veteran does not intend to pursue a program leading to a degree, he must state the specific subjects constituting his program.

(iii) If the veteran intends to pursue his program in an institution other than a college or university, such as a high school, business college, or a vocational or trade school, he shall list in terms as designated by the school the course or courses which he intends to pursue in order to reach his objective.

(iv) If the veteran intends to pursue a program of apprenticeship or other on-the-job training, or a program in a school leading to a vocational objective, he shall specify his employment objective and such objective must be a recognized employment objective either as listed in the Dictionary of Occupational Titles or, although not listed in the Dictionary of Occupational Titles, it is an occupation which is recognized as an apprenticeable trade by the State apprenticeship agency or the Federal Committee on Apprenticeship, or it is an occupation which is eligible for listing in the Dictionary of Occupational Titles as determined by the Bureau of Employment Security of the U. S. Department of Labor. Those cases requiring determination by the Bureau of Employment Security as to whether the employment objective is eligible for listing in the Dictionary of Occupational Titles will be forwarded by the Manager to the Assistant Deputy Administrator, Vocational Rehabilitation and Education for resolution of the matter with the Bureau of Employment Security.

* * * * *

(7) Where, for any reason, the veteran is found either not to meet the basic active service requirements for general eligibility under Public Law 550, 82d Congress, or it is determined that the program of education or training for which he has applied may not be approved, the veteran will be informed of the denial of his application, the reasons therefor, and of his right of appeal. (Where an application is received from a person who is shown to be in active service in the Armed Forces, the application will be denied and the veteran informed of the reason for the denial and the veteran will be notified of his right of appeal therefrom.)

(8) Public Law 550, 82d Congress, imposes no restrictions upon a change of institution or establishment for pursuit of the same course or program. However, where subsequent parts or courses or curricula of the approved program are to be pursued in an institution other than the one providing the first part or course or curriculum of his program, the veteran must apply to the Veterans' Administration for approval of a change of institution. If otherwise in order, a supplemental certificate will be issued to the veteran authorizing him to continue the pursuit of his approved program in the second institution which shall have been designated in his request. A veteran who desires to pursue a program of graduate training under Public Law 550 leading to a graduate degree objective will be expected to pursue all work required for the completion of his approved program in an educational institution which offers the full degree program and which upon the successful completion thereof, confers the graduate degree sought, except that under the following conditions an otherwise eligible veteran may pursue training in a second institution which does not confer the graduate degree sought in partial fulfillment of his graduate degree requirements:

(i) Where the degree granting institution certifies to the Veterans' Administration that the veteran has been accepted as a student for the pursuit of the graduate course identifying the degree objective for which he has made application, and

(ii) Where the degree granting institution specifically designates the subjects which may be pursued at the second

institution. These subjects must be a part of the graduate program and may include:

(a) Required graduate subjects;

(b) Undergraduate subjects which are prerequisites for required graduate subjects; and

(c) Language courses which may be taken in an approved institution for the express purpose of satisfying the graduate degree language requirement.

(iii) And in addition, the degree granting institution certifies that, upon the successful completion of the designated subjects, it will accept the credit established in the second educational institution at full value in partial fulfillment of the veteran's elected degree program.

* * * * *

9. In § 21.2035, paragraph (a) (4) is amended to read as follows:

§ 21.2035 *Minimum number of nonveteran students required.* (a) * * *

(4) At the time an eligible veteran is enrolled in an approved nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, an authorized employee or official of the institution furnishing such course shall certify to the Veterans' Administration on VA Form 7–1999 that, at the time of the enrollment of the individual veteran for which the certification is made, not more than 85 percent of the students then enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a) as amended, or Public Law 550, 82d Congress. The determination as to the percentage ratio shall be made pursuant to the provisions of this section. In any case where it appears that the certification by an authorized employee or official of an institution has been made improperly, the provisions of § 21.2208 (d) shall be applied. If it is determined by the committee on educational allowances that the false report was not the result of a knowing and willful act of the institution, payments to veterans already enrolled therein will not be discontinued. However, if it is determined that the false report was the result of a knowing and willful act of the institution, payments to all veterans enrolled in the institution under the Law will be discontinued pursuant to the provisions of § 21.2208 (d) and the matter will be further processed pursuant to the provisions of § 21.2307.

10. In § 21.2036, paragraph (c) is amended to read as follows:

§ 21.2036 *Period of operation for approval.* * * *

(c) *Course similar in character* A course will be considered similar in character if the course provides training in the same general occupational or educational objective, and involves the same or related instructional processes, tools, and materials as courses previously furnished by the institution which has been in operation for a period of more than 2 years. In each case of an approval by the State approving agency of a new course which has not been in operation for a period of more than 2 years, but which is thought by the State to be similar in character to an approved course which has been in operation for more than 2 years, the State will furnish the regional office with a copy of the approval and the basis for its view as to the similarity in character to the approved course being offered by the institution. (For correspondence courses, the State will furnish the basis for its determination to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C.)

* * * * *

11. Section 21.2037 is revised to read as follows:

§ 21.2037 *Institutions listed by Attorney General.* (a) The Administrator will not approve enrollment of, nor payment of an education or training allowance to, any eligible veteran in any course in an educational institution or training establishment while such institution or establishment is listed by the Attorney General under paragraph 3, Part III of Executive Order No. 9835 or section 12, Executive Order No. 10450.

(b) The Assistant Deputy Administrator, Vocational Rehabilitation and Education, will furnish promptly to each regional office and each State approving agency current information on the schools and establishments listed by the Attorney General under paragraph 3, Part III of Executive Order No. 9835 or section 12, Executive Order No. 10450.

12. In § 21.2052, new subdivisions (ii) and (iii) of paragraph (c) (1) are added and subparagraphs (2) (4) and (6) of paragraph (e) are amended to read as follows:

§ 21.2052 *Rates of education and training allowances.* * * *

(c) *On-the-job training.* (1) * * *

(i) * * *

(ii) Payment of the beginning trained worker wage prior to the completion of the approved training program or prior to the end of the approved period of enrollment will not require discontinuance of education and training allowance where it is established that the veteran continues as a trainee in all respects and has not, in fact, achieved trained worker status.

(iii) When the education and training allowance payable to the veteran is reduced to a rate of less than $1 per month, the veteran's training status and education and training allowance will be discontinued. The training status of the veteran may be resumed upon his request.

* * * * *

(e) *Correspondence course.* * * *

(2) Where a veteran's program of education or training consists of a course of correspondence instruction, and the institution includes classroom instruction as a part of such course, attendance in the classroom portion must be optional on the part of enrolled students and not a requirement for completion of the course in order for such course to be considered a course pursued exclusively by correspondence, with the educational and training allowance based on the established charges for the correspondence portion only.

* * * * *

(4) The training institution offering approved correspondence courses will transmit to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C., a list of all approved courses, and any additions or changes made subsequently thereto, and a certified statement of the established charges to nonveterans for each course. Such statement will list consecutively the lessons in each course, the books, supplies, tools, and equipment to be supplied with each lesson, other pertinent charges, the established practices in detail of servicing a lesson or lessons, and the standards for determining completed lessons, including a statement of the grading policy and methods of determining progress.

* * * * *

(6) In the event an institution desires to change its charges for courses after submittal of a statement of charges and services as set forth in this paragraph, such proposed charges will be promptly reported to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C., together with the effective date applicable to nonveteran students. Where the Assistant Deputy Administrator, Vocational Rehabilitation and Education, determines on the basis of the information submitted that it is necessary to revise the education and training allowance for veterans enrolling after the effective date of such changes, the institution and the regional offices will be notified of the change in courses and charges which will affect the computation of the education and training allowance and the effective date thereof. The education and training allowance of an eligible veteran who is already enrolled in such course will continue to be based on established charges and services in effect on the date of his enrollment despite any changes made subsequent thereto.

* * * * *

13. In § 21.2054, the introduction and subparagraph (3) of paragraph (a) and all of paragraph (b) are amended to read as follows:

§ 21.2054 *Effective beginning dates of entrance or reentrance into training and for payment of education and training allowance.* (a) Except as provided in subparagraph (3) of this paragraph, the effective beginning date for the payment of education and training allowance upon original entrance into training will be the date of commencement of the course as certified by the institution or establishment on VA Form 7–1999 if the veteran's application therefor is received by the Veterans' Administration on or prior to (or within 15 days following) the date of commencement of the course, or the effective date of the approval of the course by the appropriate approving agency, whichever is the later. Beginning July 1, 1953, the effective date of the approval of the course by the appropriate approving agency shall be the

effective date specified by the approving agency in its notice of approval, if such notice of approval is received by the Veterans' Administration not later than 60 days after the effective date specified therein by the State approving agency. Where the notice of approval is not received by the Veterans' Administration within 60 days from the effective date set forth in the notice of approval, the effective date of approval for the purpose of this paragraph shall be as of the date 60 days prior to the date notice of approval is received by the Veterans' Administration.

* * * * *

(3) Where the veteran's original application for a program of education or training is not received by the Veterans' Administration within 15 days following the date of commencement of the course as provided in this paragraph, or where the veteran's application for a change of program or institution is not received by the Veterans' Administration on or prior to the date of the veteran's reentrance into training, the effective date for the commencement or recommencement of benefits by virtue of either application shall not be prior to the date of its receipt by the Veterans' Administration, except that in an individual case, although the veteran's application was received by the Veterans' Administration after expiration of the applicable time limits specified in this subparagraph, if the facts, the equities, and the demonstrated good faith on the part of the veteran justify such action, the Manager may personally waive such specified time limits, or such time limits may be waived by appellate decision pursuant to the appeal of the veteran.

(b) All authorization actions accomplished by the educational benefits activity entering veterans into education or training (full-time or part-time institutional training, on-the-job or apprenticeship training, etc.) will authorize education and training allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency accompanies his application or is of record which warrants an authorization of education and training allowance on account of the dependents. If evidence of relationship or dependency accompanies the veteran's application or is of record, the appropriate rate reflecting such dependency will be authorized.

* * * * *

14. In § 21.2055, paragraph (a) (1) (b) and (d) are amended to read as follows:

§ 21.2055 *Effective closing dates of an authorization of education or training allowance*—(a) *Schools, colleges, and universities.* * * *

(1) Where the course is pursued by correspondence, the effective closing date shall be the ending date of the period of enrollment in the event such date is specified by the school (subject to any necessary subsequent adjustment under the conditions of § 21.2014 (c) (3)) or the date of expiration of the veteran's entitlement, whichever is earlier.

(b) *Apprenticeship or other on-the-job training.* The effective closing date shall be the ending date of the period of training as established by the training agreement, or the ending date of the period of enrollment as certified by the establishment, or the date on which the veteran's education and training allowance will be reduced to a rate less than $1 per month, or the expiration of the veteran's entitlement, whichever is the earlier.

* * * * *

(d) *Final date for payment.* No education or training allowance shall be authorized to any veteran beyond 8 years after either (1) his discharge or release from active service, or (2) the end of the basic service period, whichever is earlier.

15. In § 21.2056, paragraphs (a) (5) and (b) are amended to read as follows:

§ 21.2056 *Effective date of change or discontinuance of education or training allowance.* (a) * * *

(5) In the event of a change in the scheduled trainee wage rate, as of the date the change is scheduled to occur except that where through bona fide collective bargaining between employer and employees an agreement is reached to increase trainee wage rates retroactively and such rates are approved by the State approving agency the date of change shall be deemed to be the date on which the agreement was reached.

* * * * *

(b) The effective date of discontinuance of education and training allowance shall be:

(1) In the event of death of the veteran, as of the date of death.

(2) In the event of termination of training because of the veteran's reentry into the active military service as of the date prior to such reentry into the military service, or last date of attendance, or in the case of a veteran enrolled in a correspondence course as of the date the last lesson was serviced, or in the case of a veteran pursuing a flight training course as of the last date instruction was received, whichever is earlier. The education and training allowance of members of the organized reserves recalled to active service for brief periods of training duty need not be discontinued provided that it is the practice of the institution or establishment to grant exemption from classes for such periods without requiring formal interruption of the veteran's training and provided further that in nonaccredited courses and in apprentice and other on-the-job training courses such days of absence shall be subject to the limitation of § 21.2051 (f) governing payment for absences.

(3) In the event it is found that the conduct or progress of the veteran is unsatisfactory as to the date the veteran is dropped by the educational institution or establishment, or as of the date such determination is made by the Administrator, whichever is earlier.

(4) In the event a school or establishment in which the veteran is enrolled is subsequently listed by the Attorney General under paragraph 3, Part III, of Executive Order No. 9835, or section 12, Executive Order No. 10450, as of the date preceding the date of such listing.

(5) As of the date of enrollment in the event the Veterans Administration fails to receive the properly completed periodic certifications of training for the first two reporting periods in a period of enrollment; or in courses pursued exclusively by correspondence, if the certification of training was received but no lessons were completed and serviced during the first two quarters; or in courses of flight training, if the certification of training was received but no instruction was furnished during the first 2 months.

(6) As of the end of the month for which the last proper payment was made, in the event the veteran has commenced his course but the Veterans' Administration fails to receive the properly completed periodic certification of training for two consecutive reporting periods; or in courses pursued exclusively by correspondence, if the report was received but no lessons were completed and serviced during two consecutive quarters; or in courses of flight training, if the report was received but no instruction was furnished during 2 consecutive months.

(7) In the event of disapproval of a course by the State approving agency as of the date of receipt in the Veterans' Administration of such notice of disapproval, or as of the date of such disapproval, whichever is later, or, in the event of disapproval of a course by the Administrator, as of the date of such disapproval.

(8) In the event discontinuance of education and training allowance is effected because of a determination that one or more of the conditions specified in § 21.2208 (d) (2) (i) through (vii) exists, as of the date on which a decision was made to that effect by the committee on educational allowances.

(9) In the event discontinuance of education and training allowance is to be effected because of a determination made under the provisions of § 21.2208 (d) (2) (viii) as of the date notice of final decision by the Assistant Deputy Administrator, Vocational Rehabilitation and Education, is received in the regional office.

(10) In the event a veteran interrupts training in a course other than correspondence or flight training prior to completion of the course or completion of the certified period of enrollment, as of the last date of attendance.

(11) In the event a veteran interrupts training in a correspondence course, as of the date the last lesson is serviced for which payment is made by the Veterans' Administration.

(12) In the event a veteran interrupts a flight training course, as of the date the last instruction was received.

(13) In the event the veteran shall forfeit all rights, claims, and benefits, as of the date preceding the date of the commission of the act upon which the central committee on waivers and forfeitures based the forfeiture: *Provided however* That if the evidence of record establishes that the veteran was guilty of mutiny treason, sabotage, or render-

ing assistance to an enemy of the United States or of its Allies within the meaning of section 4, Public Law 144, 78th Congress, as of the date preceding the date of commission of the offense or of original entrance into training, whichever is the later.

(14) In the case of institutional on-farm training, as of the last day of the month preceding the month in which a veteran for any reason fails to receive the minimum 8 hours required each month of organized group instruction or the minimum of 2 visits each month by the instructor for the purpose of individual instruction. For any such period for which the education and training allowance is discontinued, the veteran's training status will be interrupted. Reentrance into training and the resumption of education and training allowance are in order as of the first day of the month following the month or months for which interruption was effected, if the school regards the veteran's conduct and progress satisfactory in accordance with its prescribed standards and practices and other requirements of the law are satisfied.

(i) Where the veteran's training is interrupted because of failure to meet the minimum monthly instructional requirements, the termination date of the veteran's resumed course may be extended at the discretion of the school for a period of time equivalent to the period(s) of such interruption(s)

16. In § 21.2058, paragraph (a) is amended to read as follows:

§ 21.2058 *Jurisdiction over domestic relations determinations.* (a) Determinations of domestic relations questions other than those indicated in § 13.402 of this chapter will be made by the educational benefits representative in all cases, unless the circumstances involved differ from those present in cases which have formed the basis of formal opinions rendered by the General Counsel (see § 3.6 of this chapter) Where the domestic relations question is one of doubtful legality and cannot be related to a precedent formal opinion of the General Counsel, a request for an opinion will be submitted to the Chief Attorney in regional office cases. In cases falling within the jurisdiction of the Veterans Benefits Office, D. C., requests for an opinion will be submitted to the Chief Attorney or General Counsel. Requests for a legal opinion involving Vocational Rehabilitation and Education matters emanating from central office will be submitted to the General Counsel over the signature of the Assistant Deputy Administrator, Vocational Rehabilitation and Education. Such requests will be made by memorandum setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved.

* * * * *

17. Section 21.2059 is revised to read as follows:

§ 21.2059 *Definitions and proof of relationship and dependency.* The following classes of dependents, when such dependency status is established by the veteran in accordance with the provisions of §§ 3.40 through 3.57 of this chapter, may be recognized for the purpose of payent of increased rates of education and training allowance, as provided in § 21.2052: Child, parent, wife, husband.

18. In § 21.2150, paragraph (d) is amended to read as follows:

§ 21.2150 *Designation of State approving agencies under Public Law 550, 82d Congress.* * * *

(d) In the case of courses subject to approval by the Administrator under this Law, the provisions which refer to a State approving agency shall be deemed to refer to the Administrator, and are hereby delegated to the Assistant Deputy Administrator, Vocational Rehabilitation and Education.

19. In § 21.2153, paragraph (c) (2) is amended to read as follows:

§ 21.2153 *Reimbursement of expenses under Public Law 550, 82d Congress.* * * *

(c) *Reimbursable expenses.* * * *

(2) *Travel.* Travel expenses for which reimbursement may be authorized under contract shall be determined on the basis of expenses allowable under applicable State laws or travel regulations of the State or agency and shall be for travel actually performed by employees specified under the terms of the reimbursement contract. Reimbursement for travel will be provided only to cover actual expenses for transportation, meals, lodging, and local telephone calls, or the regular per diem allowance in lieu thereof. In claiming reimbursement for travel expenses authorized under the terms of a contract, all claims for such travel expenses must be supported by factual vouchers and all transportation allowances must be supported by detailed claims which can be checked against work assignments in the office of the State approving agency Reimbursement will be made for expenses of attending out-of-State meetings and conferences only where such travel is performed upon prior approval and at the request of the Assistant Deputy Administrator, Vocational Rehabilitation and Education.

* * * * *

20. In § 21.2206, paragraph (b) (2) is amended to read as follows:

§ 21.2206 *Approval of correspondence courses.* * * *

(b) *Approval.* * * *

(2) Whenever the State approving agency approves a correspondence course for training of veterans under the Law it shall immediately notify the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C., clearly identifying the correspondence school, the course or courses which have been approved, and the educational or vocational objective of each approved course.

21. In § 21.2207, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.2207 *Notice of approval of courses.* (a) The State approving agency upon determining that an educational institution or establishment has complied with all the requirements of Public Law 550, 82d Congress, will issue a letter to such institution or establishment setting forth the courses which have been approved for the purposes of the Law, and will furnish an official copy of such letter and attachments and will furnish later any subsequent amendments to the Veterans' Administration. In the case of the approval of a correspondence course, the State approving agency will forward notice of approval to the Assistant Deputy Administrator, Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D. C. In all other cases, the notice of approval to the Veterans' Administration will be forwarded to the regional office having jurisdiction over the territory in which the institution or establishment is located. The letter of approval for each institution shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency and shall contain the following information:

* * * * *

22. In § 21.2302, paragraphs (c) (d) (e) and (f) are amended to read as follows:

§ 21.2302 *Conflicting interests.* * * *

(c) Where it is found that a Veterans' Administration employee owns or has owned any interest in or received any wages, salary dividends, profits, gratuities, or services from, any such educational institution, the Manager, in the case of a field station employee, or the responsible central office official concerned, in the case of a Central Office employee, will proceed in accordance with the provisions set forth in governing personnel policies.

(d) Where it is found that an employee of the Office of Education has owned any interest in, or received any wages, salary dividends, gratuities, profits, or services from, any such educational institution and the Commissioner of Education requests waiver of the application of the provisions of section 264 with respect to such employee, such request for waiver will be addressed to the Assistant Deputy Administrator, Vocational Rehabilitation and Education who will arrange for the issuance of appropriate notice and for the conduct of public hearings.

(e) When the Manager of a regional office which is responsible for payments to a State agency under reimbursement contracts executed pursuant to section 245 of Public Law 550 determines that an officer or employee of a State approving agency which is a party to such contract has, while he was such an officer or employee, owned any interest in, or received any wages, salary dividends, profits, gratuities, or services from, any such educational institution, the Manager shall notify such State agency in writing that unless he is advised within 15 days from the date of the written notice by the State agency of the termination of the service of such an employee (or of the initiation of action legally necessary thereto) he will suspend payments under any existing contract

between the Veterans' Administration and the State agency pursuant to section 245 of Public Law 550, 82d Congress, as of the beginning of the month in which the violation was reported to the State. In the event waiver is requested by the employee, the agency, or the school (and the objectionable relationship with the school is not terminated) the Manager upon receipt thereof will immediately insert notice in a newspaper or newspapers published in the city in which the State approving agency is located and in the city in which, or nearest to, that where the institution is located, which notice shall read substantially as follows:

The Veterans' Administration has received a request for waiver of the application of section 264 (b) Public Law 550, 82d Congress (66 Stat. 679), insofar as it may be applicable to certain employees of the _____ (insert name of State agency) so that they may also be employed as _____ (insert type of employment) by _____ (insert name of school) located in _____ (insert name of city in which school is located). All persons desiring to be heard on this matter should communicate in writing with the Manager, Veterans' Administration _____ (regional office) _____ (insert address of regional office), prior to _____ (30 days from the date of publication) setting forth the basis of their interest and their objections, if any, to the granting of such request.

If, as a result of such publication, or otherwise, a hearing is requested, the Manager will arrange for a hearing to be conducted in a manner similar to those in other comparable personnel actions. Immediately following the hearing, the Manager will submit to the Assistant Deputy Administrator, Vocational Rehabilitation and Education a complete transcript of the hearing together with a copy of any notice or notices published in the newspaper or newspapers as required in this paragraph and his recommendations as to whether or not the waiver should be granted. If, after payments have been suspended pursuant to notice to the State approving agency by the Manager as provided in this paragraph, the State approving agency informs the Manager in writing that the employment of such employee has been terminated, the Manager will resume payments to the State approving agency as of the beginning of the month following such termination and will submit a report of such action to the Assistant Deputy Administrator, Vocational Rehabilitation and Education. If a waiver is requested and the Administrator grants such request, following notice and a public hearing, if any, as provided in this paragraph, the Manager will be advised of such action by the Assistant Deputy Administrator, Vocational Rehabilitation and Education and instructed to resume payments to the State approving agency effective as of the date such payments were suspended. In the event a waiver is requested by the State approving agency and such request for waiver is subsequently denied by the Administrator, the Manager will be so informed by the Assistant Deputy Administrator, Vocational Rehabilitation and Education. Payments under the contract shall not be resumed until the Manager has received evidence of termination of the services of the employee and in addition evidence that such individual is no longer an employee of either the State approving agency, the State Department of Veterans Affairs, or the State Department of Education, in which case payments will be resumed effective as of the beginning of the month following receipt of evidence of such termination.

(f) Where it is found that an officer or employee of the Veterans Administration, the Office of Education, or a State approving agency has any interest in, or receives any wages, salary dividends, profits, gratuities, or services from, any such institution, the Manager of the regional office having jurisdiction over the territory in which the institution is located shall notify immediately the State approving agency and the institution that pursuant to the provisions of section 264 (c) Public Law 550, 82d Congress, the courses offered by such institution which have been approved for purposes of Public Law 550, 82d Congress, shall be disapproved subject to waiver pursuant to the provisions of section 264 (d) of the Law and this part. In the event a request for a waiver is made by the State approving agency, the employee, or the institution, such request will be processed by the appropriate regional office in accordance with the instructions set forth in this section. Any request from the Office of Education for waiver will be processed by the Assistant Deputy Administrator, Vocational Rehabilitation and Education. In the event a waiver is requested, the State approving agency will be advised by the Manager of such request and informed that action need not be taken to disapprove the courses offered by the educational institution pending a final determination of the Administrator on the request for waiver. If the request for waiver is denied, the Manager will be so advised by the Assistant Deputy Administrator, Vocational Rehabilitation and Education, and shall immediately notify the State approving agency and the school in writing of such decision. If the request for waiver is approved, the Manager will be similarly informed, and shall notify the State approving agency and the school of the granting of the waiver, in which event no further action need be taken. In any case wherein.

(1) The course or courses are disapproved by the State agency or,

(2) The State agency fails to disapprove the course or courses within 15 days from the date of the written notice addressed to the agency by the Manager, and no waiver has been requested, or

(3) Requested waiver has been denied, the Manager will notify each veteran enrolled in such disapproved course or courses by letter addressed to him at the last address of record that he may apply for enrollment in an approved course in another institution, but that in the absence of such transfer, benefit payments will be discontinued on the 30th day subsequent to the date of such letter, or of discontinuance of training, whichever is earlier.

* * * * *

23. In § 21.2303, paragraphs (a) (2) (c) (1) and the introductory portions of (b) (1) (2) (4) and (5) are amended to read as follows:

§ 21.2303 *Reports by institutions*—(a) *Certification forms required.* * * *

(2) The periodic certifications of training shall be certified by the educational institution or training establishment on the following prescribed forms at the intervals stated for veterans pursuing:

(i) Accredited Courses and Institutional On-Farm Courses, VA Form VB7–1996a (Monthly)

(ii) Nonaccredited Courses, Apprentice Training Courses, and Other On-the-Job Training Courses, VA Form VB7–1996b (Monthly)

(iii) Flight Courses, VA Form 7–1996c (Monthly)

(iv) Correspondence Courses, VA Form 7–1996d (Quarterly)

(v) Combination of accredited and nonaccredited courses pursued concurrently in one institution, VA Form VB7–1996a (Monthly)

(vi) Combination of accredited and nonaccredited courses pursued concurrently in two institutions, VA Form VB7–1996a for the accredited course and VA Form VB7–1996b for the nonaccredited course (Monthly)

(b) *Reporting the interruption or termination of training*—(1) *Accredited courses.* Educational institutions offering accredited courses shall promptly notify the Veterans' Administration on VA Form VB7–1996a to interrupt or terminate the training of any veteran enrolled therein in any case where:

* * * * *

(2) *Nonaccredited courses (except correspondence courses)* Educational institutions offering nonaccredited courses (except correspondence courses) shall promptly notify the Veterans' Administration on VA Form VB7–1996b or VA Form 7–1996c, as appropriate, to interrupt or terminate the training of any veteran enrolled therein in any case where:

* * * * *

(4) *Institutional on-farm training.* The school in which the veteran is enrolled to pursue his program of institutional on-farm training shall promptly notify the Veterans' Administration on VA Form VB7–1996a to interrupt or terminate the veteran's training in any case where:

* * * * *

(5) *Apprentice training or other training on the job.* The training establishment in which the veteran is enrolled and employed to pursue his program of apprentice or other training on the job shall promptly notify the Veterans' Administration on VA Form VB7–1996b to interrupt or terminate the veteran's training in any case where:

* * * * *

(c) *Administrative allowance for preparation of reports and certifications.* (1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Veterans' Administration under Public Law 550, 82d Congress, an allow-

ance at the rate of $1.50 per month for each eligible veteran enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications: *Provided,* That pursuant to the provisions of Public Law 149, 83d Congress, and Public Law 428, 83d Congress, the allowance to be paid to the educational institution for reports and certifications covering attendance on and after September 1, 1953, shall be $1.00 per month for each eligible veteran enrolled in and attending the institution.

* * * * *

24. In the provisional regulations, § 21.2900 is revoked.

§ 21.2900 *Extension of time limits for education or training benefits under Public Law 550, 82d Congress, as amended.* (Instruction 1, Public Law 610, 83d Congress.) [Revoked.]

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12 note)

This regulation is effective February 24, 1955.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator*

[F R. Doc. 55–1482; Filed, Feb. 23, 1955; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 210—EXEMPTIONS

INTERSTATE OPERATIONS BY MOTOR COMMON CARRIERS WITHIN A SINGLE STATE UNDER STATE AUTHORITY

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of December, A. D. 1954.

In the matter of operations of common carriers of passengers or property by motor vehicle in interstate or foreign commerce under the second proviso of section 206 (a) (1) Interstate Commerce Act.

It is ordered, That Part 210 be, and it is hereby amended by deleting the entire context of § 210.10 and substituting in lieu thereof the following:

§ 210.10 *Interstate operations by motor common carriers within a single State under State authority*—(a) *Statement of operations.* Every common carrier by motor vehicle, except as otherwise provided herein, who after the effective date of this order proposes to engage in any operations in interstate or foreign commerce under the second proviso of section 206 (a) (1) Interstate Commerce Act, or who, as successor in interest to, or purchaser, transferee, or lessee of, any intrastate common carrier, proposes to engage in any operations in interstate or foreign commerce under the said proviso, shall, prior to commencing such operations, (1) file with the Interstate Commerce Commission, Washington, D. C., a verified statement of the proposed operations, which statement shall be in the form and contain the information called for in Form BMC 75 (Revised) and (2) comply with the provisions of sections 215 and 217 of the said act and the Commission's requirements and rules and regulations thereunder pertaining to the filing of proper evidence of security for the protection of the public and to the filing and posting of appropriate tariff or tariffs: *Provided, however* That any such carrier operating under the said proviso pursuant to appropriate prior filing with the Commission shall not, so long as the prior filing remains in effect, be required to file any further statement concerning operations covered by such prior filing.

(b) *Copies of statement to be furnished.* Every carrier who files with the Commission a statement on Form BMC 75 (Revised)[1] shall, at the time of filing such a statement, furnish one true copy thereof to the District Director of the Bureau of Motor Carriers for the district in which such carrier is engaged in operations, and one true copy thereof to the State Board, Commission, or Official, from which such carrier secured its intrastate certificate of public convenience and necessity.

It is further ordered, That this order shall supersede the order herein dated August 7, 1943, which is vacated as of the effective date of this order.

And it is further ordered, That this order shall become effective on the 18th day of March, A. D. 1955.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 551, as amended; 49 U. S. C. 306)

By the Commission, Division 5.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1600; Filed, Feb. 23, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 965]

[Docket No. AO-166-A19]

HANDLING OF MILK IN CINCINNATI, OHIO MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Cincinnati, Ohio, on January 11, 12, and 13, 1955, pursuant to notice thereof issued on January 4, 1955 (20 F R. 179)

The hearing dealt with several issues, including a number of suggested changes to the classification, pricing, and payment provisions of the order and the emergency nature of marketing conditions. This decision, however, covers only (1) the proposed revision of the price formulas for Class III and Class IV milk as to deliveries of milk by producers during the month of March 1955, and (2) the emergency nature of marketing conditions.

It is determined that emergency action is required on the matter of pricing Class III and Class IV milk for the month of March 1955. Any revision of such formulas on a longer-term basis should be made in consideration of, and coordinated with, such other changes in the classification, pricing, and payment provisions as may be required as the result of evidence received. It is concluded further that the remaining issues should not be decided under emergency procedure, but should not delay action on the issue dealt with herein. Decision on such remaining issues, including proposals relating to the pricing of Class III and Class IV milk for months subsequent to March 1955, therefore is reserved to a later date.

Rulings on proposed findings and conclusions. Briefs were filed on the record by representatives of producer organizations and a number of handlers. Such briefs contained proposed findings and conclusions with respect to the issue under consideration herein. To the extent that the findings and conclusions of this decision are at variance with such proposed findings and conclusions, the request to make such findings and conclusions is hereby denied.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing.

(1) The price formulas for Class III and Class IV milk should be modified for the month of March 1955.

In the decision of the Secretary issued on March 19, 1954 (official notice of which is taken) it was pointed out that, "* * * handlers are not willing to accept milk for Class III and Class IV uses at the modified price levels for such classes and are turning back substantial quantities of milk to cooperatives to be disposed of at whatever price the cooperatives are able to obtain through disposal to unregulated plants." It was further pointed out that cooperatives handled such turned-back milk at substantial losses.

Record data indicate that during the flush months of 1954 the total volume

[1] Filed as part of the original document.

of milk going to Class III and Class IV uses was, seasonally, the largest in the history of the market. Production during recent months has continued at a relatively high level, indicating that the volume of producer milk to be disposed of in Class III and Class IV uses during March 1955 will be as great as the volume so utilized in the same month of 1954. Since the bargaining cooperatives have not expanded their facilities for handling turned-back milk, the disposal problem will continue.

Therefore, in the interest of orderly marketing, it is concluded that for the month of March 1955 the price level for Class III and Class IV milk should be reduced in relation to the price which would result from the Class III and Class IV price formulas now contained in the order. However, Class III milk under the order consists of two general categories of milk products: Those which, because of the local city ordinance, must be made from inspected milk (ice cream, cottage cheese, eggnog, and whipped cream) and those which are not required to be made from inspected milk. Milk used for products requiring inspected milk would be underpriced if the price were reduced to the same level as that established, under emergency conditions, for other Class III uses. In view of the health requirements, milk used for ice cream and other such products which are disposed of to outlets within the city of Cincinnati should return a somewhat higher price to producers even in a period when some reserve milk must be priced on a "distress" basis. In addition a supply of qualified milk is needed in all months of the year for these uses and the required supply should not be regarded as distress milk during the flush season even if the total supply is relatively large. For these reasons such milk should not be priced at distress levels.

In order to provide for the orderly marketing of reserve milk supplies, the Class III (except for milk used in cottage cheese, ice cream, and related products) and Class IV prices should be modified to provide an incentive for handling such milk during the month of March 1955.

Except for a slight difference in the application of butterfat differentials, as explained below it is concluded that on a temporary basis the price relief should correspond to that granted for the April-August period in 1954.

Butterfat differentials, applied in adjusting class prices to the actual test of the milk disposed of in manufactured products, are as important to the ultimate pricing of the milk as the level of Class III and Class IV prices established for milk testing 3.5 percent. In December 1954 the weighted average butterfat tests for Class III milk and Class IV milk were 3.60 percent and 37.65 percent, respectively. For Class IV milk (utilized for butter manufacture) it is obvious that the butterfat differential contributes significantly more to handlers' costs than does the class price for 3.5 percent milk. Therefore, the butterfat differentials for Class III milk (other than milk for cottage cheese, ice cream, and related products) and for Class IV milk should be adjusted simultaneously so as to be aligned closely with the price of butterfat represented in the price of 3.5 percent milk in such classes. The butterfat differential applicable to milk utilized for cottage cheese, ice cream, and related products is not modified, however, by the attached order. Decision as to any change which may be required in connection with the butterfat differential applicable in pricing milk so utilized is reserved pending full consideration of an appropriate pricing formula for such milk to be applied on a longer-term basis.

As stated previously, the reduction in the Class III and Class IV prices adopted should be limited to the month of March 1955. Because of the particular combination of products covered by such classes and the possibility that an improved pricing and classification plan may be evolved from more detailed consideration of the record, any further revision of reserve milk pricing should await decision on the remaining issues of the hearing. It is contemplated that such a decision will be possible in time for any further amendments which may be necessary to promote the orderly marketing of milk for the flush production season of 1955.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing. Action under the procedure described above was requested at the hearing. No opposition was registered at the hearing to either the objectives of the proposals involved or the use of such emergency promulgation procedure.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Cincinnati, Ohio, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area" which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of February 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Amending the Order as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area*

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete that portion of § 965.51 (c) which precedes subparagraph (2) thereof and substitute therefor the following:

(c) The price for Class III milk during each of the months of March through August, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph, and the price for Class III milk during each of the months of September through February inclusive, shall be the higher of such computed prices plus 30 cents:

(1) The price as computed pursuant to § 965.50 (b) *Provided,* That the price per hundredweight for Class III milk during the month of March 1955 shall be the higher of the price computed pursuant to subparagraph (2) of this paragraph and a price computed as follows:

(i) Subtract 5.5 cents from the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, multiply by 1.2, and then multiply such result by 3.5.

(ii) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6 cents, and multiply the result by 7.7 and

(iii) Deduct 25 cents from the sum of amounts computed under subdivisions (i) and (ii) of this subparagraph: *Provided,* That the price applicable to milk used to produce ice cream, ice cream mix, eggnog, whipped cream, whipped cream substitutes, and cottage cheese shall be the sum of amounts computed for the month under subdivisions (i) and (ii) of this subparagraph.

2. Delete § 965.51 (d) and substitute therefor the following:

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents: *Provided,* That for the month of March 1955 the price of Class IV milk shall be the same as the price computed pursuant to § 965.51 (c) for Class III milk other than that used to produce the items named in the proviso of subparagraph (1) (iii) of such paragraph.

3. Delete § 965.52 and substitute therefor the following:

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each point (one-tenth of one percent) that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I and Class II milk, respectively add 1 cent per point to the higher of the butterfat differentials computed below in this section for Class III milk. For Class III milk other than that used to produce ice cream, ice cream mix, eggnog, whipped cream, whipped cream substitutes, and cottage cheese and for Class IV milk, subtract $5.50 from the average price per hundred pounds of 92-score butter as described in § 965.51 (c) (1) (i) multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (c) (1) (ii) and divide the result by 1000. For Class III milk used to produce the products named above in this section multiply by 1.2 the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1) subtract therefrom the amount per hundredweight computed pursuant to § 965.50 (b) (2) and divide the result by 1000.

[F R. Doc. 55-1585; Filed, Feb. 23, 1955; 8:46 a. m.]

[7 CFR Part 968]

[Docket No. AO-173-A7]

HANDLING OF MILK IN WICHITA, KANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Wichita, Kansas, January 27, 1955, pursuant to notice thereof which was issued on January 13, 1955 (20 F R. 401, 491)

The material issues of the hearing related to:

1. The pricing of Class II milk for the months of March through June of each year
2. The need for expedited action with respect to the preceding issue;
3. The conditions under which a cooperative association should be defined as a handler
4. Clarification of pool plant requirements when milk is moved between plants;
5. Dates of payments;
6. Mid-month advance payments; and
7. Method of reporting information to cooperative associations.

This decision considers only issues numbered 1 and 2 above with respect to the month of March 1955. Decision with respect to all other issues is reserved for later consideration.

Findings and conclusions. The following findings and conclusions with respect to the issues to be considered in this decision are based on the evidence adduced at the hearing and the record thereof:

1. The price for Class II milk for March 1955 should be determined on the same basis as that for February as the higher of the U. S. average price paid for manufacturing milk or the average of the prices paid for milk by four Kansas milk manufacturing plants.

Under the present provisions of the order the Class II price for the months of July through February is the higher of these two prices, while for the months of March through June the Class II price is the average price paid by the four Kansas plants. For December 1954 the U. S. average price exceeded the price of the Kansas plants by 11 cents per hundredweight. A cooperative association which has throughout the past year marketed substantial volumes of Class II milk by diversion to nonpool manufacturing plants proposed that the pricing provisions be uniform for all months of the year and be those now applicable in the July-February period.

Time does not permit a full consideration of the record with respect to the propriety of the proposed change for an indefinite period of time, and the necessary procedures incident thereto, in time for any action which would affect prices for March 1955. The record indicates that there is little likelihood that the

volume of Class II milk in the Wichita market for March 1955 will be substantially greater on a daily basis than for February The experience of the proponent cooperative association in marketing Class II milk indicates that the February pricing provisions will be appropriate for such volumes of Class II milk. It is concluded that the pricing provisions effective for February should be continued for March 1955. Such action will permit full consideration of the longer range aspects of the proposed amendment without danger of interrupting the continuity of pricing provisions during the spring months of 1955 in the event the amendment as proposed should later be adopted.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision and the opportunity for exceptions thereto with respect to the above issue.

Delay beyond the minimum time required to make the attached order effective would defeat the purpose of the amendment. The purpose of the amendment is to continue for the month of March 1955 the pricing provisions for Class II milk now effective for the month of February 1955. The time necessarily involved in the preparation, filing and publication of a recommended decision and exceptions thereto would preclude making any amendment effective for March 1955.

The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to the issue herein considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs with respect to the issues herein considered was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of December 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Wichita, Kansas, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively "Marketing Agreement Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of February 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the Wichita, Kansas, Marketing Area

§ 968.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

In § 968.51 (b) immediately after the word "March" insert the following parenthetical phrase "(except March 1955)"

[F. R. Doc. 55-1586; Filed, Feb. 23, 1955; 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 973]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at St. Paul, Minnesota, on December 14, 1954, pursuant to notice thereof which was issued

on December 7, 1954 (19 F. R. 8225) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 21, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision and the opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 27, 1955 (20 F R. 591)

The material issues of record related to:

1. Suspending the provision whereby the Class I price is adjusted by the amount of the "supply-demand adjustment factor" provided in the Chicago, Illinois, milk marketing order or

2. Increasing the amount of the Class I differential by 20 cents per hundredweight through June 1955.

Exceptions to the recommended decision were filed on behalf of the Twin City Milk Producers Association. In arriving at the findings and conclusions of this decision each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled,

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F R. Doc. 55-781, 20 F R. 591) with respect to the issues set forth above are approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

It is hereby ordered, That this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 18th day of February 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F R. Doc. 55-1613; Filed, Feb. 23, 1955; 8:51 a. m.]

[7 CFR Part 980]

HANDLING OF MILK IN TOPEKA, KANS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Topeka, Kansas, on July 23, 1954, pursuant to notice thereof which was issued on July 14, 1954 (19 F R. 4427)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 17, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 20, 1955 (20 F R. 455)

The material issues and the findings and conclusions and general findings of the recommended decision (20 F R. 455 F R. Doc. 55-459) are hereby approved and adopted by this decision as if set forth in full herein.

Ruling on exceptions. Within the period reserved for exceptions, interested parties filed exceptions to certain actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision each of the exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of December 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 18th day of February 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order As Amended Regulating the Handling of Milk in the Topeka, Kansas, Marketing Area

Sec.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

AUTHORITY: §§ 980.1 to 980.96 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 980.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Topeka, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 980.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 980.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

§ 980.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 980.4 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have its entire activities under the control of its members; and

(c) To have and to be exercising full authority in the sale of milk of its members.

§ 980.5 *Topeka, Kansas, marketing area.* "Topeka, Kansas, marketing area" hereinafter called "marketing area" means the city of Topeka and all the territory in Shawnee County Kansas.

§ 980.6 *Approved dairy farmer* "Approved dairy farmer" means any person who:

(a) Holds a permit or rating issued by the health authority of any municipal or State government for the production of milk to be disposed of as Grade A milk, or

(b) Produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases as Type I, Type II, No. 1, or Type III, No. 1, which milk is received at an approved plant supplying Class I or Class II milk products to such an institution or base in the marketing area.

§ 980.7 *Producer* "Producer" means any approved dairy farmer (except a producer-handler) whose milk is:

(a) Received at a pool plant, or

(b) Diverted by either the handler who operates a pool plant or a cooperative association to a non-pool plant for the account of such handler or cooperative association.

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk and from which Class I milk is disposed of on routes within the marketing area, or

(b) Supplying Class I milk to any agency of the United States Government located within the marketing area.

§ 980.9 *Pool plant.* "Pool plant" means any approved plant other than that of a producer handler.

(a) During any delivery period of March, April, May or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts of milk from approved dairy farmers.

(b) During any other delivery period within which such plant disposes of as Class I milk, an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers.

(c) For the purpose of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to another milk plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 980.10 *Handler* "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

§ 980.11 *Producer-handler* "Producer-handler" means any person who produces milk, operates an approved plant, and receives no milk from producers or from sources other than pool plants.

§ 980.12 *Producer milk.* "Producer milk" means all milk produced by a producer, other than a producer-handler, which is received by a handler either directly from such producers or from other handlers.

§ 980.13 *Other source milk.* "Other source milk" means all milk and milk products other than producer milk.

§ 980.14 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except those products which are included in the definitions of Class II milk pursuant to § 980.41 (b) and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 980.15 *Delivery period.* "Delivery period" means calendar month or the portion thereof during which this part is in effect.

§ 980.16 *Base milk.* "Base milk" means the amount of milk received by a handler from a producer during each of the delivery periods of February through July which was not in excess of such producer's daily base computed pursuant to § 980.66 multiplied by the number of days in such delivery period on which such milk was received by the handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant the days of nondelivery shall be considered as days of delivery for purposes of this section and of § 980.66.

§ 980.17 *Excess milk.* "Excess milk" means the amount of milk received by a handler from a producer during any of the delivery periods of February through July which is in excess of base milk received from such producer during such delivery period and shall include all milk received from a producer for whom no daily base can be computed pursuant to § 980.66.

§ 980.18 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or a plant store) of any milk or any milk product classified as Class I milk pursuant to § 980.41 (a) other than a delivery to any milk processing plant.

MARKET ADMINISTRATOR

§ 980.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 980.21 *Powers.* The market administrator shall.

(a) Administer the terms and provisions of this part;

(b) Report to the Secretary complaints of violation of the provisions of this part;

(c) Make rules and regulations to effectuate the terms and provisions of this part; and

(d) Recommend to the Secretary amendments to this part.

§ 980.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 980.89 the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office, except as provided by § 980.88;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 980.30 through 980.32, or payments pursuant to §§ 980.80 and 980.84, and

(e) Promptly verify the information contained in the reports submitted by handlers;

(f) On or before the 12th day of each month report to each cooperative association which so requests the percentage utilization of milk received from producers in each class by each handler who in the preceding delivery period received milk from members of such cooperative association;

(g) On or before February 1 of each year in writing notify (1) each producer who made deliveries of milk during the previous September through December of his daily base computed pursuant to § 980.66, (2) each cooperative association of the daily base of each member of such association, and (3) each handler of the daily base of each producer from whom such handler receives milk; and

(h) Publicly announce by mail to all handlers and cooperative associations, and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk pursuant to § 980.50 (a) and the Class I butterfat differential pursuant to § 980.51 (a) both for the current delivery period; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 980.50 (b) and the Class II butterfat differential pursuant to § 980.51 (b) both for the delivery period immediately preceding; and

(2) On or before the 10th day of each month, the applicable uniform price(s) per hundredweight computed pursuant to §§ 980.71 and 980.72, the butterfat differential computed pursuant to § 980.82 and such of the computations of the uniform price(s) made pursuant to §§ 980.71 and 980.72 as do not disclose information confidential pursuant to the act.

REPORTS, RECORDS, AND FACILITIES

§ 980.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator with respect to receipts within such delivery period, as follows:

(a) The receipts at each plant of milk from each producer, the average butterfat test, the pounds of butterfat contained therein, the number of days on which milk was received from such producer, and for each of the delivery periods of February through July the total pounds of base milk and excess milk received from each producer.

(b) The receipts from such handler's own farm production and the butterfat content thereof;

(c) The receipts of milk; cream and milk products from handlers who received milk from producers and the butterfat content thereof;

(d) The receipts of other source milk;

(e) The respective quantities of milk and milk products and the butterfat content thereof which were sold, distributed or used, including sales to other handlers, for the purpose of classification pursuant to § 980.40;

(f) The disposition of Class I products outside the marking area, and

(g) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 980.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period, which shall show:

(a) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association, and the number of days on which milk was received from such producer, including for each of the delivery periods of February through July such producers' deliveries of base milk and excess milk.

(b) The amount of payment to each producer and cooperative association, and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 980.32 *Other reports.* Each handler who is not required to submit reports pursuant to § 980.30 shall submit such reports with respect to his handling of milk or milk products at the time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 980.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall during the usual hours of business, make available to the market administrator such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products and in the case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify payments to producers.

§ 980.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books

and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 980.40 *Milk to be classified.* All milk and milk products received within the delivery period by each handler which are required to be reported pursuant to § 980.30 shall be classified by the market administrator pursuant to the provisions of §§ 980.41 through 980.46, inclusive.

§ 980.41 *Classes of utilization.* Subject to the conditions set forth in §§ 980.43 and 980.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream) (2) used to produce concentrated (frozen or fresh) milk, flavored milk or flavored milk drinks disposed of on routes for fluid consumption neither sterilized nor in hermetically sealed cans, (3) used in creaming cottage cheese disposed of as creamed cottage cheese, and (4) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products with flavor or sweetening added in containers or dispensers under pressure, casein, margarine and cheese (including skim milk used to produce cottage cheese curd, but not including skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese) (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; (4) in skim milk dumped, after prior notification to market administrator, and opportunity for verification by the market administrator; (5) in cream frozen and stored; (6) in inventory at the end of the month as any product (other than frozen cream) specified in paragraph (a) of this section; and (7) in shrinkage not in excess of 2 percent of total receipts, other than receipts from pool plants of other handlers, of skim milk and butterfat, respectively.

§ 980.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified as Class II milk between the receipts of skim milk and butterfat, respectively in milk from producers and other source milk.

§ 980.43 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 980.41 of any milk received by a handler from producers, the burden rests upon the handler who received the milk from producers to account for the milk and to prove to the market administrator that skim milk and butterfat in such milk should not be classified as Class I milk.

§ 980.44 *Transfers of milk.* Skim milk and butterfat transferred in the form of milk, skim milk, or cream from an approved plant to other milk plants shall be classified as follows:

(a) Milk or skim milk moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk;

(b) Cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I milk if moved under Grade A certification and shall be Class II milk if so moved without Grade A certification;

(c) Milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I. *Provided,* That if the purchaser certifies that the market administrator may verify the necessary records such milk, skim milk or cream, shall be classified as follows: (1) Determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with Class I milk, the receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute its regular source of milk for Class I use;

(d) Except as provided in paragraphs (c) and (e) of this section milk, skim milk, or cream moved from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class II milk;

(e) Milk, skim milk or cream moved from an approved plant to an unapproved plant (1) operated by the handler operating such approved plant or by an affiliate of such handler, (2) located in the marketing area, and (3) from which milk, skim milk, or cream is moved to any other milk plant, shall be classified as though moved directly from the approved plant to such other milk plant, to the extent of the volume moved from such unapproved plant to other milk plants;

(f) Milk, skim milk or cream moved from an approved plant to the approved plant of another handler, except a producer-handler, shall be Class I unless utilization in another class is indicated in writing by both the seller and the buyer on or before the 5th day after the end of the delivery period, but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler. *Provided,* That if either or both handlers have purchased other source milk, the milk, skim milk, or cream so moved shall be classified at both plants so as to return the highest class utilization to producer milk.

(g) Milk, skim milk, or cream disposed of from an approved plant to a producer-handler shall be Class I.

§ 980.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 980.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 980.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk prorated to shrinkage in skim milk received from producers pursuant to § 980.42.

(2) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month as any product specified in § 980.41 (a)

(4) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 980.44 (f)

(5) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage"

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the quantity and the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 980.50 *Class prices.* Subject to the butterfat differentials set forth in § 980.51, each handler shall pay producers at the time and in the manner set forth in § 980.80 not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price of Class I milk for each delivery period shall be the same as the Class I price for that delivery period provided for in Order No. 13, regulating the handling of milk in the Greater Kansas City marketing area.

(b) *Class II milk.* The price of Class II milk shall be the average price ascertained by the market administrator to have been paid or to be paid for ungraded milk of 3.8 percent butterfat content received during such delivery period at the following plants: The Jensen Creamery Company at its plant at Topeka, Kansas, the Beatrice Foods Company at its plant at Topeka, Kansas, and the Bennett Creamery Company at Ottawa, Kansas: *Provided,* That in no event shall the price be less than that paid at the Beatrice Foods Company plant included herein.

§ 980.51 *Butterfat differential to handlers.* For each one-tenth of one percent that the average butterfat content of the milk allocated to either class is more or less than 3.8 percent, the class price calculated pursuant to § 980.50 shall be increased or decreased, respectively by a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily average wholesale selling price per pound (using the midpoint of any price range as our price) of Grade A (92 score) bulk creamery butter at Chicago, as reported by the United States Department of Agriculture, by the applicable factor listed below and dividing the result by 10:

(a) Class I milk: multiply such price for the preceding month by 1.30 · and

(b) Class II milk: multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 980.60 *Producer-handler* Sections 980.40 through 980.46, 980.50, 980.51, 980.61 through 980.67, 980.70 through 980.72 and 980.80 through 980.89 shall not apply to a producer-handler.

§ 980.61 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period shall in lieu of the payments required pursuant to § 980.84 pay to the market administrator, for the producer settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 980.50 (a) and the price for Class II milk pursuant to § 980.50 (b)

(b) Any plus amount resulting from the following computations: From an amount equal to the net pool obligation which would be computed pursuant to § 980.70 for such handler for such delivery period if such handler operated a pool plant, deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

§ 980.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the prices which such handler is required to pay under the other order to which he is subject for milk which would be classified as Class I milk under this part, are less than the prices provided pursuant to this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to § 980.50 (a) and its value as determined pursuant to the other order to which he is subject.

§ 980.63 *Other source milk allocated to Class I milk.* For any other source milk allocated to Class I milk pursuant to § 980.46 (a) (2) and the corresponding step of § 980.46 (b) there shall be added in the computation of the net pool obligations of the handler, an amount equal to the difference between the value of such milk at the Class I price and its value at the Class II price. This additional payment shall not apply if the market administrator determines that such other source milk was used in Class I only to the extent that producer milk was not available to the handler at the class price pursuant to § 980.50 (a)

§ 980.64 *Overage.* If overage has been deducted from any class pursuant to § 980.46 (a) (6) the market administrator, in determining the net pool obligation of the handler pursuant to § 980.70, shall add an amount computed by multiplying the pounds of such overage by the applicable class price.

§ 980.65 *Diversion.* Milk which is caused to be diverted by a handler directly from producers' farms to the pool plant of another handler for not more than 15 days during any delivery period shall be considered an inter-handler transfer of milk, and shall be considered as having been received by the handler who caused the milk to be diverted.

DETERMINATION OF BASE

§ 980.66 *Computation of daily base for each producer* The daily base for each producer applicable during each of the delivery periods of February through July, inclusive, shall be determined by the market administrator as follows:

(a) Divide the total pounds of milk received by a handler(s) at a pool plant from such producer during the immediately preceding delivery periods of September through December by the number of days during such period on which milk was received from such producer, or by 90, whichever is greater: *Provided,* That the daily base applicable during the delivery periods of February through July 1955 shall be the higher of that resulting from such computation or that resulting from an identical computation with respect to milk received from such producer during the immediately preceding delivery periods of October through December.

§ 980.67 *Daily base rules.* (a) Except as provided in paragraph (b) of this section, a daily base shall apply only to milk produced by the producers in whose name such milk was delivered to the handler(s) during the base-forming period.

(b) A producer may transfer his daily base during the period of February through July by notifying the market administrator in writing before the last day of any delivery period that such base is to be transferred to the person named in such notice but under the following conditions only:

(1) In the event of the death or entry into military service of a producer, the entire daily base may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm.

(2) If a base is held jointly and such joint holding is terminated on the basis of written notification to the market administrator from the joint holders the entire daily base may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy operations.

DETERMINATION OF UNIFORM PRICE

§ 980.70 *Net pool obligation of handlers.* The net pool obligation of each handler for milk received during each delivery period from producers at pool plants shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 980.46 (c) by the applicable respective class prices (adjusted pursuant to § 980.51) and add together the resulting amounts;

(b) Add an amount equal to the total values pursuant to §§ 980.63 and 980.64, and

(c) Add a charge computed at a rate equal to the difference between the Class I and Class II prices for the current month for skim milk and butterfat in inventory subtracted from Class I pursuant to § 980.46 (a) (3) and the corresponding step of § 980.46 (b) in an amount not in excess of the skim milk and butterfat, respectively remaining in Class II milk in the previous delivery period pursuant to § 980.46 (a) (4) and the corresponding step of § 980.46 (b)

§ 980.71 *Computation of uniform price.* For each of the delivery periods of August through January the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports prescribed in

§ 980.30 and who made the payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Divide by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figures shall be the uniform price for such delivery period for milk of producers containing 3.8 percent butterfat.

§ 980.72 *Computation of uniform price for base milk and excess milk.* For each of the delivery periods of February through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk as follows:

(a) Combine into one total the values computed pursuant to § 980.70 for all handlers who filed reports pursuant to § 980.30 and who made payments pursuant to §§ 980.80 and 980.84 for the preceding delivery period,

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund,

(c) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 980.82 by the total hundredweight of such milk;

(d) Compute the total value of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 3.8 percent butterfat content, multiplying any remaining hundredweight of such milk by the price for Class I milk of 3.8 percent butterfat content, and adding together the resulting amounts.

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figures shall be the uniform price for such delivery period for excess milk of 3.8 percent butterfat received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the aggregate value of milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for such delivery period for base milk of 3.8 percent butterfat received from producers.

PAYMENTS

§ 980.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler, after deducting the amount of the payment made pursuant to § 980.81 and subject to the butterfat differential set forth in § 980.82, shall make payment to each producer at not less than the applicable uniform price(s) computed pursuant to §§ 980.71 and 980.72 for milk received from such producers: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.81 *Half delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer, who has not discontinued delivery of milk, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if the cooperative association so requests, pay such cooperative association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

§ 980.82 *Producer butterfat differential.* In making payments pursuant to § 980.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the simple average as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U. S. Department of Agriculture during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 980.83 *Producer-settlement fund.* (a) The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 980.61, 980.62, 980.84 and 980.86, and payments received from the administrator of another order issued pursuant to the act which have been required under such order with respect to milk distributed from pool plants in the marketing area regulated by such other order, and out of which he shall make all payments to handlers pursuant to §§ 980.85 and 980.86 *Provided,* That the market administrator shall offset any such payment to any handler against payments due from such handler.

(b) Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 980.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 980.84 *Payments to the producer-settlement fund.* On or before the 11th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler is greater than the sum required to be paid producers by such handler pursuant to § 980.80.

§ 980.85 *Payments out of the producer-settlement fund.* (a) On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to § 980.80 is greater than the net pool obligation of such handler.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 980.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 980.86 *Adjustment of errors in payment.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 980.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 4 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 980.85, the market administrator shall, within 5 days, make such payment to such handler or offset any such payment due any handler against payments due from such handler. Whenever verification by the market administrator of the payment by a handler to any pro-

ducer for milk received by such handler discloses payment to such producer of less than is required by § 980.80, the handler shall make up such payment to the producer not later than the time of making payments to producers next following such disclosure.

§ 980.87 *Statements to producers.* In making payments to producers as prescribed in § 980.80, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer which shall show:

(a) The delivery period and the identity of the handler and of the producer;

(b) The total pounds of milk (base milk and excess milk separately for February through July) delivered by the producer and the average butterfat test thereof, and the pounds per shipment if such information is not furnished to the producer each day;

(c) The minimum rate or rates at which payment to the producer is required pursuant to §§ 980.80 and 980.82;

(d) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(e) The amount or the rate of each deduction claimed by the handler, including any deduction made pursuant to §§ 980.81 and 980.88 together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 980.88 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 5 cents per hundredweight from the payments made to each producer other than himself pursuant to § 980.80 with respect to all milk of each producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator to provide market information and for the verification of weights, sampling and testing of milk received from said producers.

(b) *Producers' Cooperative Association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make deductions from the payments to be made pursuant to § 980.80 which are authorized by such producers, and on or before the 12th day after the end of each delivery period, pay such deductions to the market administrator for the account of the association of which such producers are members.

§ 980.89 *Expense of administration.* As his pro rata share of the expense of administration of this part each handler shall pay to the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amounts as the Secretary may from time to time prescribe with respect to all milk received during such delivery period from approved dairy farmers.

MISCELLANEOUS PROVISIONS

§ 980.90 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to the following information.

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 980.91 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 980.92.

§ 980.92 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 980.93 *Continuing power and duty of the market administrator* (a) If, upon the suspension of termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant thereto.

§ 980.94 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 980.95 *Agents.* The Secretary may, by designation, in writing, name any officer or employee of the United States

to act as his agent or representative in connection with any of the provisions of this part.

§ 980.96 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F R. Doc. 55-1614; Filed, Feb. 23, 1955; 8:51 a. m.]

Agricultural Research Service

[7 CFR Part 301]

CONNECTICUT, NEW YORK, AND WEST VIRGINIA

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF EUROPEAN CHAFER

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161) that the Administrator of the Agricultural Research Service has information that the European chafer (Amphimallon majalis (Razoumowsky)) a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of Connecticut, New York, and West Virginia.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Connecticut, New York, and West Virginia, and to restrict or prohibit the movement from said States, or from any locations therein designated as infested of (1) soil, sand, gravel, humus, compost, and decomposed manure; and (2) forest, field, nursery, or greenhouse-grown woody or herbaceous plants or parts thereof for planting purposes; and (3) trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers and other products and articles of any character whatsoever that might present a hazard of spread of the European chafer.

A public hearing will be held before a representative of the Agricultural Research Service in the auditorium of the U. S. Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pennsylvania, at 10 a. m., March 10, 1955, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before March 10, 1955, or with the presiding officer at the hearing.

Done at Washington, D. C., this 18th day of February 1955.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Service.

[F. R. Doc. 55-1615; Filed, Feb. 23, 1955; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Draft Release 71A]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

SUPPLEMENTAL NOTICE OF RULE MAKING AND ORAL ARGUMENT THEREON

FEBRUARY 17, 1955.

By notice dated December 21, 1954 (Economic Regulations Draft Release No. 71) published in the FEDERAL REGISTER on December 28, 1954 (19 F R. 9249) the Board gave notice that it had under consideration a proposed amendment to § 298.4 of Part 298 of the Economic Regulations (14 CFR Part 298, as amended) which would make permanent the exemptions authorized air taxi operators by such part. Reference is made to that notice for the terms of the proposed amendment and further explanation thereof. Copies of Draft Release No. 71 may be obtained from the Secretary, Civil Aeronautics Board, Washington 25, D. C.

The Board having received requests which it believes warrant action, notice is hereby given that the time for the receipt of comments on the proposed rule has been extended to April 19, 1955, and that consideration of the proposed rule has been set down for oral argument at 10:00 a. m., e. s. t., April 19, 1955, in Room 5042, Department of Commerce Building, Washington, D. C. Oral argument will be limited to one full day. Those desiring to be heard are requested to inform F W Brown, Chief Hearing Examiner, Civil Aeronautics Board, prior to April 11, 1955, indicating the amount of time desired.

The Board invites specific comment with respect to what economic limitations, if any should be imposed on the operations of air taxi operators. Oral presentation may be in addition to, or in lieu of, written submission pursuant to the previous notice (Draft Release No. 71) which is hereby amended to provide that all relevant material in communications received on or before April 19, 1955, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
Acting Secretary.

[F R. Doc. 55-1616; Filed, Feb. 23, 1955; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 11286; FCC 55-225]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the revised tentative allocation plan for Class B FM Broadcast Stations; Docket No. 11286.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Norton, Va.		299
Bluefield, W. Va.	298	

3. The purpose of the proposed amendment is to provide a Class B channel in Norton, Virginia, thereby facilitating consideration of a pending application for a Class B assignment there.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c) (d) (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before March 18, 1955 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed before or on the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 16, 1955.

Released: February 17, 1955.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 55-1609; Filed, Feb. 23, 1955; 8:50 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

KURT JACOB

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kurt Jacob, Toronto, Canada, Claim No. 42426; Vesting Order No. 7342; $947.18 in the Treasury of the United States.

Executed at Washington, D. C., on February 17, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 55-1605; Filed, Feb. 23, 1955; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 17, 1955.

An application, serial number BLM 039552, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on January 24, 1955, by the Department of the Army.

The purposes of the proposed withdrawal. Jim Woodruff Reservoir Project.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior, at Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

TALLAHASSEE MERIDIAN

T. 7 N., R. 8 W.,
Sec. 36, N½ of lot 3.

C. R. DREXILIUS,
Supervisor
Eastern States Office.

[F. R. Doc. 55-1580; Filed, Feb. 23, 1955; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended July 5, 1954, 19 F R. 3326)

B & F Manufacturing Co., Inc., Mocksville, N. C., effective 2-16-55 to 2-15-56; 10 learners for normal labor turnover purposes (men's sport shirts).

Berlin Manufacturing Co., Inc., Berlin, Md., effective 2-20-55 to 2-19-56; 10 learners for normal labor turnover purposes (men's work clothing).

Biltmore Manufacturing Co., Inc., Sweeten Creek Road, Biltmore, N. C., effective 2-16-55 to 2-15-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (women's sportswear).

The Dantan Co., Dumas, Ark., effective 2-14-55 to 2-13-56; 10 learners for normal labor turnover purposes (ladies' play shorts) (Replacement certificate).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md., effective 2-20-55 to 2-19-56; 10 learners for normal labor turnover purposes (dungarees, overalls, coveralls, etc.).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa., effective 2-20-55 to 2-19-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work clothing, men's and boys' work and semi-dress trousers).

F Jacobson & Sons, Tipton and O'Brien Streets, Seymour, Ind., effective 2-12-55 to 2-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress and sport shirts).

Lerner Slone Clothing Corp., 304 East Main Street, Carbondale, Ill., effective 2-11-55 to 2-10-56; 10 learners for normal labor turnover purposes (men's single pants).

Oberman Manufacturing Co., Morrilton, Ark., effective 2-11-55 to 2-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' single pants).

Playcraft Corp., Saltille, Miss., effective 2-20-55 to 2-19-56; 10 learners for normal labor turnover purposes (women's sportswear)

Reliance Manufacturing Co., Plantation Factory, Montgomery, Ala., effective 2-19-55 to 2-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, men's and boys' hobby jeans)

Salem Garment Co., Inc., Salem, S. C., effective 2-11-55 to 8-10-55; 60 learners for plant expansion purposes (women's cotton dresses and housecoats).

Salley Manufacturing Co., Salley, S. C., effective 2-10-55 to 2-9-56; 5 learners for normal labor turnover purposes (overalls).

Tamco Corp., Crestview, Fla., effective 2-9-55 to 8-8-55; 50 learners for plant expansion purposes (men's sport shirts).

Charles P Thornley Co., Inc., Commerce Street, Smyrna, Del., effective 2-11-55 to 2-10-56; 4 learners for normal labor turnover purposes (women's and girls' cotton shorts).

United Pants Co., Inc., Nuangola Branch, Route 2, Mountain Top, Pa., effective 2-23-55 to 2-22-56; 5 learners for normal labor turnover purposes (men's trousers and jackets).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.46, as amended May 3, 1954, 19 F R. 1761)

Amos & Smith Hosiery Co., Pilot Mountain, N. C., effective 2-10-55 to 2-9-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Charles H. Bacon Co., Loudon, Tenn., effective 2-13-55 to 2-12-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Charles H. Bacon Co., Lenoir City, Tenn., effective 2-13-55 to 2-12-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F R. 1500)

Robinson Manufacturing Co., Outer West Main, Robinson, Ill., effective 2-9-55 to 2-8-56; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this

notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of February 1955.

MILTON BROOKE,
Authorized Representative of the Administrator

[F R. Doc. 55-1581; Filed, Feb. 23, 1955; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6997]

CAPITAL AIRLINES, INC., NORTHWEST-NEW YORK AIRWAYS RATE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of the complaint of Capital Airlines, Inc. as to certain passenger fares and related rules proposed jointly by Northwest Airlines and New York Airways with a request for suspension of same.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 3, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 18, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F R. Doc. 55-1619; Filed, Feb. 23, 1955; 8:53 a. m.]

[Docket No. 6743]

MIDET AVIATION CORP., INC., CERTIFICATE RENEWAL CASE

NOTICE OF HEARING

In the matter of the application of Midet Aviation Corporation, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, and such other sections thereof as may be applicable for renewal of its certificate of public convenience and necessity designated Route 110.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on March 8, 1955, at 10:00 a. m., e. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters:

1. Do the public convenience and necessity and/or the public interest require the renewal of the certificate held by Midet Aviation Corporation, in whole or in part, for a temporary 3-year period?

2. Is Midet Aviation Corporation, Inc., a citizen of the United States as defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended?

3. Is Midet Aviation Corporation, Inc., fit, willing, and able to provide the air transportation services proposed?

For further details of the issues involved in this proceeding interested persons are referred to the application on file with the Docket Section, Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board on or before March 8, 1955, a statement setting forth the issues of fact or law desired to be controverted.

Dated at Washington, D. C., February 17, 1955.

[SEAL] FRANCIS W BROWN,
Chief Examiner

[F R. Doc. 55-1620; Filed, Feb. 23, 1955; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11084-11090; FCC 55M-153]

TOLEDO BLADE CO. ET AL.

ORDER CONTINUING HEARING

In re applications of The Toledo Blade Company Toledo, Ohio, Docket No. 11084, File No. BPCT-262; The Community Broadcasting Company Toledo, Ohio, Docket No. 11085, File No. BPCT-590; Unity Corporation, Inc., Toledo, Ohio, Docket No. 11086, File No. BPCT-1609; The Citizens Broadcasting Company Toledo, Ohio, Docket No. 11087, File No. BPCT-1720; Maumee Valley Broadcasting Co., Toledo, Ohio, Docket No. 11088, File No. BPCT-1741, Great Lakes Broadcasting Co., Toledo, Ohio, Docket No. 11089, File No. BPCT-1805; Anthony Wayne Television Corp., Toledo, Ohio, Docket No. 11090, File No. BPCT-1855; for construction permits for new television stations (Channel 11)

The Commission having under consideration the scheduling of further proceedings herein consistently with the orders heretofore entered, and

It appearing that the Hearing Calendar dated February 15, 1955, indicates that a further conference is to be held herein on Monday February 21, 1955, in accordance with paragraph 1 *d* of the Hearing Examiner's Third Pre-Trial Order dated October 12, 1954, as amended by Hearing Examiner's Memorandum Opinion and Order dated November 18, 1954, and as confirmed by Hearing Examiner's order dated January 26, 1955; and

It further appearing that the Commission's order of February 10, 1955, reversed and set aside the Hearing Examiner's order of January 26, 1955, and changed the date for submission of the direct affirmative cases from February 14, 1955 to March 14, 1955, but did not change the date for the further conference; and

It further appearing that the further conference was scheduled so as to comply with § 1.841 of the Commission's rules which requires a second hearing conference after the exchange of the written case exhibits, and that it is necessary and will conduce to the orderly dispatch of the Commission's business to reschedule the further conference so as to serve the stated purpose of the rule;

Now therefore it is ordered, This 17th day of February 1955, upon the Hearing Examiner's own motion, that the further hearing conference herein now scheduled for February 21, 1955, be and it is hereby continued to 10:00 a. m. on Monday March 21, 1955, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-1610; Filed, Feb. 23, 1955; 8:50 a. m.]

[Docket No. 11141; FCC 55M-150]

THEODORE FEINSTEIN

ORDER CONTINUING HEARING

In re application of Theodore Feinstein, Newburyport, Massachusetts, for construction permit; Docket No. 11141, File No. BP-9027.

The Commission having under consideration a motion for continuance filed by Theodore Feinstein on February 15, 1955;

It appearing that good cause has been shown, and that public interest requires immediate consideration of this motion in view of the short time intervening before the scheduled hearing date;

It is ordered, This 16th day of February 1955, that the motion is granted, and the hearing now scheduled for February 21, 1955 is continued until April 22, 1955, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F R. Doc. 55-1611; Filed, Feb. 23, 1955; 8:50 a. m.]

[Docket No. 11282; FCC 55-191]

WILMINGTON TELEVISION CORP

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Wilmington Television Corporation, Wilmington, North Carolina, for extension of time to complete construction of television station WTHT; File No. BMPCT-2495, Docket No. 11282.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of February 1955;

The Commission having under consideration the above-entitled application of Wilmington Television Corporation for an extension of time to complete construction of television Station WTHT, Channel 3, Wilmington, North Carolina, and

It appearing that on February 17, 1954, the Commission granted the application (BPCT-1755) of Wilmington Television Corporation for a permit to construct a new television broadcast station on

Channel 3 at Wilmington, North Carolina, that said permit specified that construction of the station was to begin by April 17, 1954 and completed by October 17, 1954, that on September 15, 1954, the applicant filed the above-entitled application; that on September 29, 1954, the applicant was notified by letter that the Commission was unable to find that the applicant had been diligent in proceeding with the construction of its station or that it had been prevented from commencing construction by causes not under its control; and that applicant was given an opportunity to reply to said letter and to request a hearing on its application, and

It further appearing that the applicant replied to the Commission letter on October 19, 1954, on November 5, 1954, on January 11, 1955, and on January 27, 1955; that the substance of applicant's replies was to the effect that it has proceeded diligently with the construction of its station; that Jefferson Standard Broadcasting Company, owner of various television and standard broadcast stations and majority owner of preferred stock in Storer Broadcasting Company, owner of various AM, FM and TV stations, was a monopoly in the area in which WTHT was located, and that it "has used its massive bargaining power and illegal combinations of stations to induce CBS to enter into a conspiracy to violate the Sherman Anti-Trust Law and section 313 of the Communications Act" that because of Jefferson Standard's said monopoly and understanding with CBS, applicant "has been prevented from timely constructing and operating a television station which the Commission has determined to be in the public interest"· that "these causes for delay in construction of its television station are causes not under WTC's control and are within the contemplation of section 319 (b) of the Communications Act" and that a hearing was requested in the event that the Commission was unable to grant the above-entitled application; and

It further appearing that upon consideration of the above-entitled application and the above correspondence, the Commission is unable to determine that a grant of said application would be in the public interest;

It is ordered, That the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 18th day of March 1955, at the Commission's offices in Washington, D. C., on the following issues:

1. To determine whether or not Wilmington Television Corporation has been diligent in proceeding with the construction of television station WTHT as authorized in its construction permit.

2. To determine whether or not Wilmington Television Corporation has been prevented from completing construction of television station WTHT as authorized in its construction permit by causes not under its control within the meaning of section 319 (b) of the Communications Act of 1934, as amended.

3. To determine whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

Released. February 18, 1955.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F R. Doc. 55-1612; Filed, Feb. 23, 1955; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 48]

MOTOR CARRIER APPLICATIONS

FEBRUARY 18, 1955.

Protests, consisting of an original and two copies, to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241) Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40) protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in the form of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceedings shall notify the Commission by letter or telegram within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operation of motor carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 629 Sub 8, HELM'S NEW YORK-PITTSBURGH MOTOR EXPRESS, INC., 2700 Smallman Street, Pittsburgh 22, Pa. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* including *household goods* as defined by the Commission, and excepting commodities of unusual value, Class A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Carlisle, Pa., and Trenton, N. J., from Carlisle, Pa., over the Pennsylvania Turnpike to the Delaware River interchange at U. S. Highway 1, and thence over U. S. Highway 1 to Trenton, N. J., and return over the same route, serving no intermediate points and with service at all turnpike interchanges for purpose of joinder only as an alternate route for operating convenience only in connection with the carrier's regular route operations between Pittsburgh, Pa., and New York, N. Y.

NOTE: Applicant is presently authorized in Certificate No. MC 629, Sub 4, dated April 7, 1954, to transport general commodities, with the exceptions noted above, between Carlisle, Pa., and Trenton, N.. J., serving no intermediate points, and with service at King of Prussia, Pa., and at all turnpike interchanges for the purpose of joinder only, over the Pennsylvania Turnpike, U. S. Highways 202 and 1, and Pennsylvania Highway 73. This application seeks to substitute for the above-referred-to route the proposed route described in this application, and that portion of the carrier's regular route which authorizes operations over U. S. Highway 202 and Pennsylvania Highway 73 be eliminated upon grant of authority applied for. The carrier states that no new service will be performed at any point along the Eastern Extension of the Pennsylvania Turnpike, nor along any connecting highway specified above not now authorized to be served.

Applicant is authorized to conduct operations in Kentucky New Jersey New York, Ohio, Pennsylvania, and West Virginia.

No. MC 954 Sub 46 (Further amended) published, as amended, September 20, 1954, page 6285, MID-STATES FREIGHT LINES, INC., 5200 South Pulaski Road, Chicago 32, Ill. Applicant's attorney· Lee Reeder, Suite 1010, 1012 Baltimore Avenue, Kansas City 5, Mo. For authority to operate as a *common carrier* over regular routes, transporting· *General commodities,* including those of unusual value, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and the United States-Canada International Boundary line at or near Detroit and Port Huron, Mich., for the sole purpose of entering Canada, thence over Canadian Highways to Buffalo, N. Y., as follows: (1) From Chicago over U. S. Highway 20 to South Bend, Ind., thence over Indiana Highway 23 to the Indiana-Michigan State line, thence over Michigan Highway 62 to junction U. S. Highway 112, near Adamsville, Mich., thence over U. S. Highway 112 to Detroit, (2) from Chicago over U. S. Highway 41 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U. S. Highway 12, thence over U. S. Highway 12 to junction U. S. Highway 112, thence over U. S. Highway 112 to junction by-pass U. S. Highway 112, thence over by-pass U. S. Highway 112 to junction Michigan Highway 112, thence over Michigan Highway

[1] Dissenting opinion of Commissioner Hennock filed as part of the original document.

112 to Detroit, (3) from Chicago over U. S. Highway 41 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 212, thence over U. S. Highway 212 to junction Michigan Highway 60, thence over Michigan Highway 60 to Jackson, Mich., thence over U. S. Highway 12 to Detroit, (4) from Chicago over U. S. Highway 41 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 31 at South Bend, Ind., thence over U. S. Highway 31 to junction Michigan Highway 60, thence to Detroit as specified above, (5) from Detroit over city streets and through the tunnel under, or by way of, the bridge over the Detroit River to the United States-Canada International Boundary line, (6) from Chicago to Detroit as specified above, thence over U. S. Highway 25 to the United States-Canada International Boundary line, at or near Port Huron, Mich., (7) from the United States-Canada International Boundary line at or near Buffalo, N. Y., over the toll bridge into Buffalo, and (8) from the United States-Canada International Boundary line at or near Niagara Falls, N. Y., over the Grand Island Bridge and New York Highway 325; and also from Niagara Falls over U. S. Highway 62 to Buffalo, and return over the same routes, serving no intermediate points, as alternate or connecting routes for operating convenience only, to enable carrier to utilize Canadian Highways in connection with regular route operations between Chicago, Ill., and Buffalo, N. Y., which is a portion of carrier's regular route operation between Chicago, Ill., and New York, N. Y. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Jersey New York, Ohio, Pennsylvania, and Rhode Island.

No. MC 1263 Sub 7, J. H. McCARTY, doing business as J. H. McCARTY TRUCK LINE, 729 West 15th St., Trenton, Mo. Applicant's attorney: Carll V Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Newton, Iowa, and Sedalia, Mo., over U. S. Highway 6 from Newton to Des Moines, Iowa, thence over U. S. Highway 65 to Sedalia, and return over the same route, serving all intermediate points, and the off-route points of Cainsville, Mt. Moriah, Jamesport, Gallatin, Knob Noster, and Springfield, Mo., and the Sedalia Air Base near Knob Noster. Applicant is authorized to conduct regular route operations in and through Kansas and Missouri, and irregular route operations in and through Illinois, Iowa, Kansas, Missouri, and Nebraska.

No. MC 2754 Sub 7, NEUENDORF TRANSPORTATION CO., a corporation, 3244 Atwood Ave., Madison, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving (a) Plain, Cottage Grove, Albany, Magnolia, Center, and Magnolia Station, Wis., as off-route points in connection with regular route operations between Richland Center, Wis., and Chicago, Ill., over U. S. Highway 14, and (b) Cottage Grove and Keyser, Wis., as off-route points in connection with regular route operations between Madison, Wis., and Portage, Wis., over U. S. Highway 51. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Iowa, and Wisconsin.

No. MC 4687 Sub 3, McJUNKIN FREIGHT, INC., No. 21 North Second Street, Fernandina, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Paper mill machinery, materials* and *supplies* used in the manufacture of paper products and pulp board products, in truckload or volume shipments only with minimum weight of 22,000 pounds, *wood pulp,* powdered, in volume or truckload shipments of 22,000 pounds minimum weight; *paper and paper products, paper bags,* and *wrapping paper* in volume or truckload lots only, and *paper boxes,* corrugated or not corrugated, in volume or truckload lots only between Fernandina Beach and Yulee, Fla., on the one hand, and, on the other, points in Georgia and South Carolina. Applicant is authorized to conduct operations in Florida.

No. MC 7009 Sub 5, GAY CAMPBELL, doing business as CAMPBELL TRANSPORT, P O. BOX 21, 311 Walnut St., Julesburg, Colo. Applicant's attorney: Loyal G. Kaplan, 339 Omaha National Bank Bldg., Omaha 2, Nebr. For authority to operate as a *contract carrier* over regular and irregular routes, transporting: (1) *Liquid petroleum* and *liquid petroleum products,* in bulk, in tank vehicles, over irregular routes, from Sidney Nebr., and points within five (5) miles thereof, to points in Colorado, Kansas, Nebraska, and Wyoming, and (2) over regular routes, between junction U. S. Highway 30 and Nebraska Highway 27 at Chappell, Nebr., and Julesburg, Colo., operating from junction U. S. Highway 30 and Nebraska Highway 27 at Chappell, over Nebraska Highway 27 to the Nebraska-Colorado State line, thence over unnumbered Colorado Highway to junction U. S. Highway 138, thence over U. S. Highway 138 to Julesburg, and return over the same route, serving no intermediate points, but serving junction U. S. Highway 30 and Nebraska Highway 27 for joinder purposes only as an alternate or connecting route for operating convenience only in connection with carrier's authorized regular route operations (a) from Wichita, Kans., to Sterling, Colo., and (b) from Casper, Wyo., to Fort Morgan, Colo. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, and Wyoming.

No. MC 7439 Sub 1, GEORGE E. NELSON, doing business as DAVID NELSON & SON, 1346—54th Street, Kenosha, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *New furniture and fixtures,* uncrated, between Kenosha, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Michigan, and Ohio. Applicant is authorized to conduct operations in Wisconsin and Illinois.

No. MC 9115 Sub 43, OREGON-NEVADA-CALIFORNIA FAST FREIGHT, INC., 675 Brannan Street, San Francisco 7, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock and those injurious to other lading, (1) between San Francisco, Calif., and San Jose, Calif., over U. S. Highway 101 and By Pass U. S. Highway 101, serving all intermediate points, and (2) between Oakland, Calif., and San Jose, Calif., over California Highways 17 and 9, serving all intermediate points and the off-route points of Niles, Calif., (east of California Highway 17) on the one hand, and, on the other, all points presently served by applicant in Washington, Oregon, and Nevada, over authorized regular routes as described in Certificates Nos. MC 9115, MC 9115 Sub 1, and MC 9115 Sub 31, dated August 31, 1950, September 15, 1943, and February 18, 1946 respectively. Applicant proposes to use the San Mateo and Dumbarton Bridges for operating convenience only Applicant is authorized to conduct operations in California, Washington, Oregon and Nevada.

No. MC 13806 Sub 13, VIRGINIA HAULING COMPANY, a corporation, Glen Allen, Va. Applicant's attorney: Robert C. Grady Orange, Va. For authority to operate as a *common carrier* over irregular routes, transporting: *Lumber* rough and/or dressed, between points in that portion of North Carolina on and east of U. S. Highway 29, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey New York, Pennsylvania, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.

No. MC 13806 Sub 14, VIRGINIA HAULING COMPANY, a corporation, Glen Allen, Va. Applicant's attorney: Robert C. Grady Orange, Va. For authority to operate as a *common carrier* over irregular routes, transporting: *Boxes,* wood or wood and wire, combined, set up and/or knocked down; *box shooks* and *pallets,* wooden, set up and/or knocked down; and *pallet parts,* from Richmond, Va., and points within 60 miles thereof, to points in Delaware, Maryland, New Jersey New York, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 26650 Sub 1, LOUIS W RASH, 832 Garden Street, Elizabeth, N. J. Ap-

plicant's attorney· Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Carbolic acid, phthalic anhydride, sodium maleic anhydride, resins, paris green* and *congo copal,* in containers, from Elizabeth, N. J., to New York, N. Y. and points in Nassau and Suffolk Counties, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 29988 Sub 56, DENVER CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver 5, Colo. For authority to operate as a *common carrier* over regular routes, transporting· *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Prosser, Wash., and junction Washington Highway 3A and U. S. Highway 410 near Union Gap, Wash., over Washington Highway 3A, serving no intermediate points, as an alternate route in connection with carrier's regular route operations (1) from Denver, Colo., to Tacoma, Wash., (2) from Seattle, Wash., to Denver, Colo., and (3) between junction U. S. Highway 410 and Washington Highway 8E, east of Prosser, Wash., and Pendleton, Oreg. Applicant is authorized to conduct operations in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana; Kansas, Massachusetts, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Utah, Washington and Wyoming.

No. MC 40007 Sub 38, RELIABLE TRANSPORTATION COMPANY, A CORPORATION, 4817 Sheila Street, Los Angeles 22, Calif. Applicant's attorney· John C. Allen, 1212 Wilshire Boulevard, Los Angeles 17, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Printer's ink,* in bulk, in tank vehicles, from points in California to points in Nevada, Arizona and New Mexico.

No. MC 43177 Sub 22, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's attorney· James R. Regester, 100½ West Sixth Street, Bloomington, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities, including Classes A and B explosives,* but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Martin County Ind., (1) from the Martin-Lawrence County line, over U. S. Highway 50 to junction U. S. Highway 50 and Indiana Highway 37, and return, serving all intermediate points, (2) from the Martin-Orange County line, over U. S. Highway 150 to junction U. S. Highway 150 and Indiana Highway 56, and return, serving all intermediate points, (3) from junction Indiana Highways 45 and 58, over Indiana Highway 45 to the Martin-Daviess County line, and return, serving no intermediate points. Applicant states: The above authority to be used in connection with authority now held by applicant, or hereafter granted to applicant. Applicant is authorized to conduct operations in Indiana, Illinois, and Kentucky

No. MC 43587 Sub 1, UNITED HAULAGE CO., INC., 1860 Ocean Parkway, Brooklyn, N. Y. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City 6, N. J. For authority to operate as *common carrier* over irregular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Tarrytown, and North Tarrytown, N. Y., the Westchester County Airport at or near Armonk, N. Y., the LaGuardia Airport at or near Flushing, N. Y., and the Idlewild (International) Airport at or near Jamaica, N. Y., restricted to traffic having a prior or subsequent movement by air, together with *motion to dismiss* on the ground that it is believed that the proposed operations are exempt from regulation by the Interstate Commerce Commission under exemption provided for in section 203 (b) (7a) of the Interstate Commerce Act. Any interested person may obtain copy of the motion, upon request, from applicant's representative and replies thereto filed by a protestant will be considered if filed with the Commission within 40 days after date of publication of notice of the filing of the application in the FEDERAL REGISTER. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 44592 Sub 15, MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main St., New Britain, Conn. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* including *commodities requiring special equipment,* but excluding articles of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities injurious or contaminating to other lading, (1) between junction U. S. Highways 9W and 44, near Highland, N. Y., and junction U. S. Highways 7 and 44, over U. S. Highway 44, serving no intermediate points, but serving the termini as points of joinder only as an alternate or connecting route in connection with carrier's regular route operations (a) between New York, N. Y., and junction U. S. Highways 20 and 9 and (b) between Bridgeport, Conn., and Valatie, N. Y., (2) between junction U. S. Highway 7 and Massachusetts Highway 23, near Great Barrington, Mass., and junction New York Highway 23 and U. S. Highway 9W near Catskill, N. Y., from junction U. S. Highway 7 and Massachusetts Highway 23 over Massachusetts Highway 23 to the Massachusetts-New York State line, thence over New York Highway 23 to junction U. S. Highway 9W and return over the same route, serving no intermediate points, but serving the termini as points of joinder only as an alternate or connecting route in connection with carrier's regular route operations (a) between New York, N. Y., and Albany N. Y., and (b) between Bridgeport, Conn., and Valatie, N. Y., (3) between junction U. S. Highways 20 and 22, near New Lebanon, N. Y., and Springfield, Mass., from junction U. S. Highways 20 and 22 over New York Highway 22 to junction New York Highway 102, thence over New York Highway 102 to the Massachusetts-New York State line, thence over Massachusetts Highway 102 to junction U. S. Highway 20, thence over U. S. Highway 20 to Springfield, and return over the same route, serving no intermediate points, but serving the termini as points of joinder only, as an alternate route in connection with carrier's regular route operations between New York, N. Y., and junction U. S. Highways 20 and 9· and (4) between Harrisburg, Pa., and junction U. S. Highways 209 and 9 W near Kingston, N. Y., from Harrisburg over U. S. Highway 22 to junction U. S. Highway 611, thence over U. S. Highway 611 to junction U. S. Highway 209, thence over U. S. Highway 209 to junction U. S. Highway 9 W near Kingston, and return over the same route, serving no intermediate points, but serving the termini as points of joinder only as an alternate or connecting route in connection with carrier's regular route operations (a) between New York, N. Y., and Albany N. Y., (b) between New York, N. Y., and junction U. S. Highways 20 and 9, (c) between New York, N. Y., and Detroit, Mich., and (d) between New York, N. Y., and Cleveland, Ohio. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New York, Ohio, and Pennsylvania.

No. MC 46280 Sub 31; DARLING FREIGHT, INC., 4000 Division St., South, Grand Rapids, Mich. Applicant's attorney· Robert A. Sullivan, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between South Lyon, Mich., on the one hand, and, on the other, points in Iowa, on and east of U. S. Highway 65, and points in Minnesota on, east and south of a line beginning at the Iowa-Minnesota State line and extending along U. S. Highway 65 to Minneapolis, Minn., and from Minneapolis along U. S. Highway 12 to the Minnesota-Wisconsin State line. Applicant is authorized to conduct operations in Michigan, Minnesota, Nebraska, Kentucky Missouri, Indiana, Illinois and Wisconsin.

No. MC 52858 Sub 43, CONVOY COMPANY, A Corporation, 3900 N. W Yeon Avenue, Portland 10, Oreg. Applicant's attorney· Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Motor vehicles,* not including commercial or house trailers, in secondary movements, by the truckaway method, between points

in California. Applicant is authorized to conduct operations in Arizona, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

No. MC 52858 Sub 44, CONVOY COMPANY, a corporation, 3900 N. W Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Motor vehicles,* and *damaged shipments thereof,* not including commercial or house trailers in secondary movements, in truckaway service, between points in Minnesota, on the one hand, and, on the other, points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Oregon, Washington, Idaho, and Montana, excepting no authority is sought to transport (a) new automobiles from Duluth, and Minneapolis, Minn., to points in Crook, Weston, Campbell, Johnson, Sheridan, Washakie, Hot Springs, Big Horn, Park, and Teton Counties, Wyo., (b) automobiles and automobile chassis from Duluth, Minn., to points in Idaho, Oregon, and Washington, when such vehicles have had an immediately prior movement by water, and (c) automobiles, trucks, or trailers from Duluth, Brainerd, Hibbing, Minneapolis, and St. Paul, Minn., to points in Montana. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 52858 Sub 45, CONVOY COMPANY, a corporation, 3900 N. W Yeon Ave., Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier* over irregular routes, transporting: *Motor vehicles,* and *damaged shipments thereof,* not including commercial or house trailers, in secondary movements, in truckaway service, between points in Minnesota. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, North Dakota, New Mexico, Oregon, Utah, Washington, and Wyoming.

No. MC 52978 Sub 9, MICHIGAN TRANSPORTATION COMPANY, a corporation, 1650 Waterman Avenue, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier* over irregular routes, transporting: *Cement,* in bags and in bulk, from Detroit, Mich., to points in Indiana. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 54578 Sub 21, SAN JUAN BASIN LINES, INC., 1623 Broadway N. E., Albuquerque, N. Mex. Applicant's attorney: Donovan N. Hoover, Post Office Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier* over a regular route, transporting: *Class A, B, and C explosives, ammunition, component parts of ammunition and explosives,* and *empty containers* used in transporting said commodities, between Albuquerque, N. Mex., and Cortez, Colo., over U. S. Highway 85 from Albuquerque to Bernalillo, N. Mex., thence over New Mexico Highway 44 to Bloomfield, N. Mex., thence over New Mexico Highway 44 to Aztec, N. Mex., thence over U. S. Highway 550 (also over New Mexico Highway 17 from Bloomfield) to Farmington, N. Mex., thence over U. S. Highway 550 to Shiprock, N. Mex., thence over U. S. Highway 666 to Cortez, and return over the same highways, serving all intermediate points, and the off-route point of Jemez Springs, N. Mex. The applicant (A) is presently operating over the above-described route through combination of presently authorized routes between (a) Albuquerque, N. Mex., and Farmington, N. Mex., (b) Bloomfield, N. Mex., and Farmington, N. Mex., (c) Farmington, N. Mex., and Cortez, Colo., (d) Cuba, N. Mex., and the junction of New Mexico Highway 96 and U. S. Highway 84, and (e) Santa Fe, N. Mex., and Albuquerque, N. Mex., (1) in the transportation of general commodities, which in some instances includes some but not all of the commodities specified in this application, and (2) with certain specified restrictions applicable in some instances against service to and from intermediate and off-route points where authorized to serve same, and (B) is authorized to conduct operations in Colorado, and New Mexico.

No. MC 54578 Sub 22, SAN JUAN BASIN LINES, INC., 1623 Broadway, NE., Albuquerque, N. Mex. Applicant's attorney: Donovan N. Hoover, Post Office Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Ojo Caliente, N. Mex., and Antonito, Colo., over U. S. Highway 285, serving all intermediate points, and the off-route points of Tusas, Canones, Las Fablas, Petaca, and Vallecitos.

No. MC 56082 Sub 11, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y. Mailing address: P O. Box 209, Dunkirk, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Rough turned last blocks, bowling pins,* and *turned rollers,* from Cattaraugus County N. Y., to Cincinnati, Portsmith and Cleveland, Ohio, and *empty containers, or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 64828 Sub 7, JOHN J. GARTLAND, doing business as GARTLAND MOTOR LINES, 17 Parkwood Boulevard, Poughkeepsie, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *common carrier* over regular routes, transporting: *Meats, meat products* and *meat by-products, dairy products,* and *articles distributed by meat-packing houses,* as defined by the Commission in Ex Parte No. MC 38, from Poughkeepsie, N. Y., to Maybrook, N. Y., and Saugerties, N. Y., (1) from Poughkeepsie over U. S. Highway 44 to Highland, N. Y., thence south over U. S. Highway 9W to Newburgh, N. Y., thence over New York Highway 52 to Walden, N. Y., thence over New York Highway 208 to Maybrook, serving the intermediate points of Walden and Coldenham, N. Y., and (2) from Poughkeepsie, N. Y., over U. S. Highway 44 to Highland, N. Y., thence north over U. S. Highway 9W to Saugerties, serving the intermediate point of Highland, N. Y., and the off-route point of Woodstock, N. Y. Applicant is authorized to conduct operations in New York.

No. MC 66562 Sub 1222, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's attorney: J. H. Mooers (same address as applicant) For authority to operate as a *common carrier* over a regular route, transporting: *General commodities, including Class A and B explosives,* moving in express service, between Bluefield, W Va., and Princeton, W Va., over U. S. Highway 19, serving no intermediate points. Applicant conducts operations throughout the United States.

No. MC 69833 Sub 43, ASSOCIATED TRUCK LINES, INC., 15 Andre St., S. E., Grand Rapids 7, Mich. For authority to operate as a *common carrier* over regular routes, transporting: *Scrap metals,* in bulk and *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (not including scrap metals, in bulk) commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Paw Paw, Mich., on the one hand, and junction unnumbered Kalamazoo County Road and U. S. Highway 131 (approximately two miles north of Schoolcraft, Mich.) on the other, from Paw Paw over Michigan Highway 119 to junction unnumbered Van Buren County Road (at Lawton, Mich.) thence over unnumbered Van Buren County Road to Kalamazoo County Road, thence over Kalamazoo County Road to Junction U. S. Highway 131, and (2) between Paw Paw, Mich., on the one hand, and junction Michigan Highway 216 and U. S. Highway 131 (one mile north of Moore Park, Mich.) on the other, from Paw Paw over Michigan Highway 119 to junction Michigan Highway 216 (at Marcellus) thence over Michigan Highway 216 to junction U. S. Highway 131, serving no intermediate points, as an alternate or connecting route for operating convenience only in connection with applicant's authorized operations in Michigan. Applicant is authorized to conduct operations in Michigan, Wisconsin, Illinois, Indiana, and Ohio.

No. MC 75463 Sub 11, REED LINES, INC., 209 Canal Street, Defiance, Ohio. Applicant's representative: G. H. Dilla, 3030 Euclid Avenue, Cleveland 15, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: *Rock wool* and *rock wool products,* from Lagro, Ind. to Washington County Pa. and Brooke, Ohio and Hancock

Counties, W Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movement. Applicant is authorized to conduct operations in Indiana, Pennsylvania, and West Virginia.

No. MC 77348 Sub 8, JULIUS BUMB PIANO MOVERS, INC., 280 East 160th St., New York (Bronx 51) N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Pianos, piano parts, organs,* and *organ parts,* between New York, N. Y., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, and the District of Columbia, and those in Pennsylvania on, west and northwest of U. S. Highway 202. Applicant is authorized to conduct operations in Connecticut, Delaware, Massachusetts, New Jersey New York, Pennsylvania, Rhode Island, and Tennessee.

No. MC 78062 Sub 26, BEATTY MOTOR EXPRESS, INC., P O. Box 223, Jefferson Avenue Ext., Washington, Pa. Applicant's attorney: Clarence D. Todd, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier* over irregular routes, transporting: *Soap, soap powders, cleaning and washing compounds, vegetable oil shortening, cooking oil, toilet preparations, glycerine,* and *advertising material and premiums when shipped in connection with such products,* from Cincinnati, Ohio to Pittsburgh and Washington, Pa., and Wheeling, W Va. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, Virginia and West Virginia.

No. MC 80430 Sub 73, GATEWAY TRANSPORTATION CO., a corporation, 2130–2150 South Avenue, La Crosse, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Class A and B explosives,* between the Badger Ordnance Works, located near Baraboo, Wis., on the one hand, and, on the other, Rockdale, Ill. (near Joliet, Ill.) and the site of a lot operated by Welco Petroleum Co., located at the junction of U. S. Highways 66 and Alternate 66.

NOTE: The carrier states that both points are requested for purpose of interchange of equipment only. Applicant is authorized to conduct operations in Iowa and Minnesota.

No. MC 83430 Sub 7, ONEIDA MOTOR FREIGHT, INC., 445–447 Washington Street, New York, N. Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier* over regular routes, transporting: *Liquor (alcoholic beverages)* (1) between New York, N. Y., and Albany, N. Y., from New York over U. S. Highway 9 to Albany: and from New York over U. S. Highway 9W to Albany and return over the same routes, serving no intermediate points; (2) between Albany N. Y., and Buffalo, N. Y., from Albany over U. S. Highway 20 to junction New York Highway 5 at Auburn, N. Y., and thence over New York Highway 5 to Buffalo; and from Albany over New York Highway 5 to Vernon, N. Y., thence over New York Highway 234 to junction New York Highway 31, thence over New York Highway 31 to Rochester, N. Y., thence over U. S. Highway 104 to Niagara Falls, N. Y., and thence over New York Highway 384 to Buffalo, and return over the same routes, serving all intermediate points; and (3) between New York, N. Y., and Auburn, N. Y., from New York by way of ferry, bridge or tunnel to New Jersey thence over U. S. Highway 22 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U. S. Highway 46, thence over U. S. Highway 46 to junction U. S. Highway 611, thence over U. S. Highway 611 to Scranton, Pa., thence over U. S. Highway 11 through Binghamton, N. Y., to Syracuse, N. Y., and thence over New York Highway 5 to Auburn, and return over the same route, serving the intermediate point of Syracuse, N. Y., and the off-route points of Chadwicks, Rome, Troy Albion, Honeoye Falls, Mount Morris, Medina, and Phelps, N. Y., those in the New York, N. Y., Commercial Zone, as defined by the Commission, and those within 12 miles of Jersey City N. J.

No. MC 101126 Sub 27, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Ave., Cincinnati 32, Ohio. For authority to operate as a *contract carrier* over irregular routes, transporting: *Sulphuric acid,* in bulk, in tank vehicles, from the site of the American Cyanamid Company plant at Hamilton, Ohio, to Louisville, Ky., and Jeffersonville, and New Albany Ind. Applicant is authorized to conduct operations in Kentucky, and Ohio.

No. MC 103017 Sub 13, MERCURY MOTOR FREIGHT LINES, INC., 954 Hersey Street, St. Paul 14, Minn. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26,. Mich. For authority to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Minneapolis, Minn., and Chicago, Ill., (1) from Minneapolis over U. S. Highway 12 to junction Wisconsin Highway 172, west of Eau Claire, Wis., thence over Wisconsin Highway 172 to Eau Claire, thence over U. S. Highway 53 to junction U. S. Highway 12, thence over U. S. Highway 12 to Madison, Wis., (2) from Minneapolis to Madison as specified above, thence over U. S. Highway 14 to Chicago, and (3) from Minneapolis over U. S. Highway 52 to Dubuque, Iowa, thence over U. S. Highway 20 to Chicago, and return over the same routes, serving the intermediate point of St. Paul, Minn., and the off-route points of Scotchlite and South St. Paul, Minn.

NOTE: This application is being filed to eliminate the truckload restriction on that portion of the present certificate as above described. Applicant desires to transport both truckload and less than truckload shipments over the above-described routes. In the event the authority sought herein is granted, any duplicating authority will be eliminated. Applicant is authorized to conduct operations in Illinois, Minnesota, and Wisconsin.

No. MC 103993 Sub 45, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 W Market St., Indianapolis, Ind. For authority to operate as a *common carrier* over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Colorado, to points in the United States including the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 104598 Sub 6, JOE PICHA, 221 Hames Avenue, Kankakee, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a contract carrier, over irregular routes, transporting: *Tractors* and *agricultural implements* and *parts for tractors and agricultural implements,* from Des Moines, Iowa and points within one mile of Des Moines, to points in Illinois on and north of U. S. Highway 36. Applicant is authorized to conduct operations in Illinois and Iowa.

No. MC 106049 Sub 25, ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., a corporation, 260 University Avenue SW., Box 1222, Atlanta 3, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, requiring special equipment, and those injurious or contaminating to other lading, between Mobile, Ala., and Pensacola, Fla., over U. S. Highway 90, serving no intermediate points, as an alternate or connecting route, for operating convenience only in connection with carrier's regular route operations between (1) Atlanta, Ga., and Mobile, Ala., (2) Pensacola, Fla., and Flomaton, Ga., (3) Mobile, Ala., and New Orleans, La., and (4) junction U. S. Highways 31 and 80 (near Montgomery Ala.) and Atmore, Ala. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi and South Carolina.

No. MC 107403 Sub 193, E. BROOKE MATLACK, INC., 33rd and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F Barnes, 801–804 I. B. M. Building, 226 South 15th St., Philadelphia, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, between Canton, Ohio, and Leach, Ky. Applicant is authorized to conduct operations in Delaware, the District of Columbia, Indiana, Maryland, Michigan, New Jersey New York, Ohio, Pennsylvania, Virginia and West Virginia.

No. MC 107515 Sub 172, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta, Ga. Applicant's attorney: Allan Watkins,

214 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier* over irregular routes, transporting: *Meats, meat products* and *meat by-products* as defined by the Commission in Ex Parte No. MC-45 and *frozen meats* from Union City Humboldt and Jackson, Tenn. to points and places in South Carolina and Georgia. Applicant is authorized to conduct operations in Georgia, Alabama, Tennessee, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Wisconsin, Missouri, Ohio and Texas.

No. MC 109421 Sub 10, CARTER TRUCKING CO., INC., doing business as COASTAL REFRIGERATED SERVICE, Route 301, Gambrille, Md. For authority to operate as a *common carrier* over irregular routes, transporting: *Frozen citrus juice concentrates,* in mechanically refrigerated equipment, from points in Florida to points in Maine, Vermont and New Hampshire. Applicant is authorized to conduct common carrier operations in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia, and contract carrier operations in the District of Columbia, Maryland, New Jersey, New York, and Pennsylvania.

No. MC 109557 Sub 7, JOHN ELDRIDGE WILLETT, doing business as WILLETT BROS. TRANSPORTATION, 315 Lincoln Ave., N. E., Roanoke, Va. Applicant's attorney: Harold G. Hernly 1624 Eye Street, NW., Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products,* in bulk, in tank trucks, from Boomer, W Va., and points within three (3) miles thereof, to Covington, Roanoke, Waynesboro, Middletown, Lexington, Lynchburg, Warm Springs, Hot Springs, Clifton Forge, Monterey, and Blue Grass, Va. Applicant is authorized to conduct operations in Virginia, and West Virginia.

No. MC 109637 Sub 28, GASOLINE TRANSPORT CO., a corporation, 4500 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from Eddyville, Ky and points within 10 miles thereof to points in Illinois and Missouri within 125 miles of Eddyville, Ky., and to all points in Tennessee on and west of U. S. Highway 31-W and U. S. Highway 31. Applicant is authorized to conduct operations in Kentucky, Indiana, Tennessee and Illinois.

No. MC 111472 Sub 29, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Ave., Racine, Wis. Applicant's attorney: Glenn W Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier* over irregular routes, transporting: *Agricultural machinery,* as defined by the Commission in Ex Parte No. MC-45, from West Bend, Wis., to points in Kentucky and Tennessee. Applicant is authorized to conduct operations in Iowa, North Dakota, South Dakota, Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Oklahoma, Texas and Wisconsin.

No. MC 111758 Sub 14. LIQUID CARRIERS, INC., P O. Box 241, Bay Minette, Ala. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: (1) *Liquid aluminum sulphate* (liquid alum) in bulk, in tank vehicles, (a) from Mobile, Ala., to Port St. Joe and Pensacola, Fla., and (b) from East Point, Ga., to Tuscaloosa, Ala., and 5 miles thereof, (2) *black liquor skimmings* and *crude sulphate turpentine* (pulp mill liquid) from Mobile, Ala., and Moss Point, Miss., to Panama City, Fla. Applicant is authorized to conduct operations in Alabama and Florida.

No. MC 111812 Sub 19, MIDWEST COAST TRANSPORT, INC., P O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier* over irregular routes, transporting: *Dairy products: articles distributed by meatpacking houses;* and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers;* and *mince meat,* from Sioux Falls, S. Dak., to Reno, Nev., and to Chico, Marysville, Oakland, Redding, and Sacramento, Calif., and to points in Oregon and Washington, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above on return movements. Applicant is authorized to conduct operations in California, Minnesota, Oregon, South Dakota, and Washington.

No. MC 112173 Sub 7, ARTHUR THWAITS, 2178 Crestview Drive, Durango, Colo. Applicant's attorney: R. Franklin McKelvey, Post Office Box 1160, Durango, Colo. For authority to operate as a *common carrier* over a regular route, transporting: *Soda ash,* from Westvaco, Wyo., near Green River, Wyo., to Shiprock, N. Mex., from Westvaco over U. S. Highway 30 to junction Wyoming Highway 330, thence over Wyoming Highway 330 to the Wyoming-Colorado State line, thence over Colorado Highway 13 to junction U. S. Highway 24, thence over U. S. Highway 24 to junction U. S. Highway 50, thence over U. S. Highway 50 to junction U. S. Highway 550, and thence over U. S. Highway 550 to Shiprock, serving all intermediate points. Applicant is authorized to conduct operations in Colorado, Utah and Wyoming.

No. MC 114105 Sub 3, JOSEPH N. HEVERIN, doing business as HEVERIN TRANSPORTATION, 9-17 College Place, College Point, Long Island, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier* over irregular routes, transporting: *Fresh frozen bakery products,* from New York and Port Chester, N. Y., to Mobile, Ala., Fort Lauderdale, Jacksonville, Miami, Orlando, Pensacola and St. Petersburg, Fla., Atlanta, Augusta, Columbus, Macon and Savannah, Ga., Chicago, Ill., Fort Wayne, Indianapolis and South Bend, Ind., Louisville, Ky., Bangor and Portland, Maine, Bay City, Detroit, and Jackson, Mich., Kansas City, Mo., Buffalo, Jamestown and Rochester, N. Y., Charlotte, Greensboro and Raleigh, N. C., Akron, Cleveland, Cincinnati, Columbus, Dayton and Youngstown, Ohio, Altoona, Easton, Pittsburgh and Sunbury Pa., Columbia, S. C., Chattanooga, Knoxville, Memphis and Nashville, Tenn., Houston, Tex., Bristol, Norfolk, Richmond, Roanoke and Winchester, Va., and Milwaukee, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *returned unsalable bakery products,* on return movement. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 114106 Sub 6, MAYBELLE TRANSPORT COMPANY, a corporation, Box 461, Lexington, N. C. Applicant's attorney: Dale C. Dillon, 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from existing originating terminals located at or near Wilmington, Morehead City Beaufort, River Terminal, Thrift, Friendship, and Salisbury N. C., to points in North Carolina. Applicant is authorized to conduct operations in North Carolina and South Carolina.

No. MC 114364 Sub 16, WRIGHT MOTOR LINES, INC., Rocky Ford, Colo. Applicant's attorney: Marion F Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier* over irregular routes, transporting: *Sugar* in packages, in truckloads, from Layton and Ogden, Utah, to Kansas City Mo., and points in Kansas. Applicant is authorized to conduct operations in Wyoming, Kansas, Oklahoma, Colorado, Idaho, Utah, Missouri, Texas, and Wyoming.

No. MC 114389 Sub 1, GALE B. ALEXANDER, Fremont, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier* over irregular routes, transporting: *Dressed poultry,* from Ottumwa, Iowa, to points in Iowa, those in Illinois on and west of U. S. Highway 66, and points in that part of Missouri on and east of U. S. Highway 65 and on and north of U. S. Highway 50. Applicant is authorized to conduct operations in Illinois, Iowa, and Minnesota.

No. MC 114456 Sub 1, GORDON N. CAVES, doing business as CAVES TRUCKING CO., P O. Box 56, Wild Rose, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier* over irregular routes, transporting: *Slag,* expanded (construction material aggregate) from the Chicago, Ill. Commercial Zone as defined by the Commission to the Township of Wautoma, Waushara County Wis.

No. MC 114558 Sub 1, W A. CUMMINS, 108 South Main Street, Mt. Pleasant, Tenn. Applicant's attorney: William G. Hardin, Box 106, Mt. Pleasant, Tenn. For authority to operate as

a *contract carrier* over irregular routes, transporting: *Mineral (rock) wool* (insulating material) from Mt. Pleasant, Tenn., to points in Louisiana and Indiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee.

No. MC 114632 Sub 4, APPLE LINES, INC., Madison, S. Dak. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier* over irregular routes, transporting: *Bars*, iron or steel, loose or in packages, *angles*, iron or steel, loose or in packages, *plate and sheet*, galvanized, corrugated or not corrugated, loose or in packages, *reinforcement mesh*, bar or wire, or bar and wire combined, loose or in packages, and *bolts and nuts*, galvanized or cadmium plates in packages, from points in the Chicago, Ill., and Kansas City Mo., Commercial Zones, as defined by the Commission, to Sioux Falls, S. Dak.

No. MC 114786 Sub 2. SAMUEL D. BROADHURST AND HOWARD J. BROADHURST, doing business as BROADHURST BROS., 54 E. Rosewood Avenue, Akron 19, Ohio. Applicant's attorney: Edward I. Abramson, 1306 First National Tower, Akron 8, Ohio. For authority to operate as a *contract carrier* over regular routes, transporting: *Meat* and *meat products*, (1) from Memphis, Tenn., to Akron, Ohio, from Memphis over U. S. Highway 60, thence over U. S. Highway 60 to junction U. S. Highway 51, thence over U. S. Highway 51 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction Illinois Highway 14, thence over Illinois Highway 14 to junction U. S. Highway 460, thence over U. S. Highway 460 to junction Illinois Highway 1, thence over Illinois Highway 1 to junction Indiana Highway 64, thence over Indiana Highway 64 to junction U. S. Highway 41, thence over U. S. Highway 41 to junction Indiana Highway 67, thence over Indiana Highway 67 to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 42, thence over U. S. Highway 42 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, serving no intermediate points, (2) from Fort Dodge, Iowa to Akron, Ohio, from Fort Dodge over U. S. Highway 20, to junction U. S. Highway 69, thence over U. S. Highway 69 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 42, thence over U. S. Highway 42, to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, serving no intermediate points, and (3) from Spencer, Iowa, to Akron, Ohio, from Spencer over U. S. Highway 71 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction U. S. Highway 69, thence over U. S. Highway 69 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction U. S. Highway 42, thence over U. S. Highway 42 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, serving no intermediate points, and *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movement.

No. MC 115140, W H. KING, doing business as KING PRODUCE COMPANY, State Farmers Market, Columbia, S. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Terra cotta pipe, fittings, flue lining, drain tile, wall coping, thimbles, fire brick, fire clay* and *stove pipe*, from Columbia Pipe Company, Columbia, S. C. to Homossasa, New Smyrna Beach, Fort Pierce, Sarasota, and Miami, Fla., and *Citrus fruits* on return movement.

No. MC 115153, DANIEL J. HOGAN, doing business as HOGAN FREIGHT SERVICE, 1519 Maine Street, Des Moines, Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities*, including *articles requiring special equipment*, and excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, between the John Deere Des Moines Works (approximately six miles north of the city limits of Des Moines, Iowa) and Des Moines, Iowa.

NOTE: Applicant states he is requesting the proposed service in connection with a pick-up and delivery service being conducted within the terminal area of the city of Des Moines, Iowa.

No. MC 115159, M. R. WILLIAMS, Warsaw, Ill. Applicant's attorney: L. Max Gardner, 611–612 Ridgely Building, Springfield, Ill. For authority to operate as a *common carrier* over irregular routes, transporting: *Commercial fertilizer* and *empty containers or other such incidental facilities (not specified)* used in transporting the commodity specified, between West Burlington, Iowa, and points within five miles of West Burlington, on the one hand, and, on the other points in Henderson, Warren, Hancock, Adams, McDonough and Schuyler Counties, Ill.

No. MC 115170, R. J. BURCHILL, 520 Third Street North, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier* over regular routes, transporting: *Films and articles associated with the exhibition of motion pictures*, between Fargo, N. Dak., and Tolna, N. Dak., from Fargo over U. S. Highway 10 to junction North Dakota Highway 38, thence over North Dakota Highway 38 to junction North Dakota Highway 32, thence over North Dakota Highway 32 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to junction unnumbered North Dakota Highway near Tolna, N. Dak., and thence over said unnumbered North Dakota Highway to Tolna, and return over the same route, serving the intermediate points of Page, Hope, Finley, Sharon, Aneta, McVille, Pekin and Tolna, N. Dak.

No. MC 115172, HARRY RUTTER, 109 Ross St., Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York, N. Y. For authority to operate as a *contract carrier* over irregular routes, transporting: *New furniture*, uncrated, and *lamps* and *lamp shades*, from New York, N. Y., to points in New York and New Jersey within 50 miles of New York, N. Y.

NO. MC 115176, MAYBELLE TRANSPORT COMPANY, a corporation, Box 461, Lexington, N. C. Applicant's attorney: Dale C. Dillon, 944 Washington Building, Washington 5, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paper products*, from the site of the plant of National Container Corporation, at or near Spencer, N. C., to points in Virginia, North Carolina, South Carolina, Tennessee, and Georgia.

NOTE: Applicant states that the service applied for will be under individual contracts or agreements with persons engaged in the manufacture of paper products.

No. MC 115175, ED M. SMITH, 210 Oliver Street, Charles City, Iowa. Applicant's representative: R. J. Edwards, Traffic Manager, Mason City Traffic Bureau, 600 Fourth St., SW., P O. Box 445, Mason City Iowa. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, as defined by the Commission in Ex Parte No. MC–45, between points in Iowa.

NO. MC 115181, HAROLD M. FELTY, Schuylkill Haven, R. D. No. 2, Pa. Applicant's attorney: Spencer R. Liverant, 141 East Market Street, York, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Coal*, in bulk, from points in Schuylkill County Pa., to Baltimore, Md. and points within 25 miles of the city limits of Baltimore, Md.

No. MC 115182, JEWETT SCOTT, Mangum, Okla. Applicant's attorney: Bernard I. Parker, 1014 Colcord Building, Oklahoma City Okla. For authority to operate as a *common carrier* over irregular routes, transporting: *Blocks, brick, tile* and *clay products, bagging and ties*, and *fertilizer* in sacks, from points in Texas to points in Oklahoma.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 95, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill., Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, (1) between East Hampton, Conn., and Moodus, Conn., from East Hampton over Connecticut Highway 196 to junction Connecticut Highway 151, thence over Connecticut Highway 151 to Moodus, and return over the same route, serving all intermediate points, restricted to the season beginning May 1 and ending September 15, of each year, and (2) *passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, in special operations, between East Hampton, Conn., and Moodus, Conn., as described in (1) above, restricted to the season extending from September 16 to April 30 of each year. Applicant is authorized

to conduct operations throughout the United States.

No. MC 3647 Sub 181, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Associate General Solicitor, Public Service Coordinated Transport, Law Department, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special round trip seasonal operations beginning and ending at Newark, N. J., and extending to Roosevelt Raceway Westbury Long Island, N. Y., during the authorized racing seasons of each year at said raceway. Applicant is authorized to conduct (1) regular route operations in Delaware, New Jersey, New York, and Pennsylvania, (2) charter operations in the District of Columbia, New Jersey New York, Pennsylvania, and Virginia, (3) seasonal operations in New Jersey New York, and Pennsylvania, and (4) special operations in Connecticut, New Jersey New York, and Pennsylvania.

No. MC 67225 Sub 8, B. C. MOTOR TRANSPORTATION LIMITED, doing business as PACIFIC STAGE LINES, Bus Terminal, 150 Dunsmuir Street, Vancouver 4, British Columbia, Canada. Applicant's attorney: Thomas J. Hanify, Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in charter operations, between the International Boundary Line between the United States and Canada at ports of entry in the United States on the boundary between British Columbia, Canada, and the United States, on the one hand, and, on the other, all points in the United States. RESTRICTION Authority applied for to be restricted to movements originating in British Columbia, Canada. Applicant is authorized to conduct operations in the state of Washington.

No. MC 114731 Sub 2. Howard Childress, 218 Edwards St., Clovis, N. Mex. For authority to operate as a *common carrier* over irregular routes, during the seasons May 15 and November 1 inclusive, transporting: *Passengers* (Agricultural workers) between Clovis, N. Mex., on the one hand, and on the other, Bovina, Tex., and points within 45 miles thereof.

No. MC 115150, ATLANTIC YELLOW CAB CO., a corporation, 31 N. North Carolina Avenue, Atlantic City, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in charter operations, and cabulance service, between Atlantic City N. J., on the one hand, and, on the other, points in New York, Pennsylvania, Delaware, Connecticut, Maryland, New Jersey and the District of Columbia.

NOTE: Applicant states the term "cabulance" indicates a type of ambulance service; that the vehicle contains a single driver's seat, a stretcher cot, and a single rear seat for a doctor, nurse or attendant and has no siren or other device indicating it to be an ambulance, and that it is a taxi service.

No. MC 115152, LEE SPEIRS, doing business as VEGAS-INDIO TRANSPORTATION CO., 722 North Main Street, Las Vegas, Nev. For authority to operate as a *common carrier* over regular routes, transporting: *Passengers and their baggage,* and *mail* and *express,* in the same vehicle with passengers, between Las Vegas, Nev., and Calexico, Calif., from Las Vegas, Nev., over U. S. Highway 95 to junction old U. S. Highway 66 at or near Searchlight Junction, Calif., thence over old U. S. Highway 66 to junction with U. S. Highway 66 at Essex, Calif., thence over U. S. Highway 66 to Amboy, Calif., thence south and west over an unnumbered highway to Twentynine Palms, Calif., thence north over an unnumbered highway to the Marine Corps Artillery Training Center, thence returning to Twentynine Palms, Calif., over said unnumbered highway, thence west and south over an unnumbered highway to junction combined U. S. Highways 60 and 70 west of Garnet, Calif., thence over combined U. S. Highways 60 and 70 to Indio, Calif., and thence over U. S. Highway 99 to Calexico, Calif., and return over the same route, serving all intermediate points, except that no local service will be rendered between points on U. S. Highway 95.

No. MC 115183, AIRPORT CITY LIMOUSINE SERVICE, INC., 6 State Street, New York 4, N. Y. Applicant's representative: Edward F Bowes, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier* over irregular routes, transporting: *Passengers and their baggage,* in the same vehicle with passengers, in special operations in nonscheduled service, limited to the transportation of not more than six passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats (1) between International Airport at Idlewild, New York, N. Y., La Guardia Field Airport, New York, N. Y., Newark Airport, Newark, N. J., and Manhattan, New York, N. Y. RESTRICTION. Restricted to airline crews and airline personnel having immediately prior or subsequent transportation by air, (2) between International Airport at Idlewild, New York, N. Y., LaGuardia Field Airport, New York, N. Y., and Newark Airport, Newark, N. J., on the one hand, and, on the other, points in New York, New Jersey Connecticut and Pennsylvania within 100 miles of New York, N. Y. RESTRICTION Restricted to passengers having immediately prior or subsequent transportation by air, and (3) between points in New York, N. Y., and those in New Jersey within five air miles of the corporate limits of New York, N. Y., on the one hand, and, on the other, New York, N. Y. RESTRICTION Restricted to passengers having immediately prior or subsequent transportation by water.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC–F–5845. J. W WELLS—CONTROL, WELLS CARGO, INC. PURCHASE—C. R. MADDUX. Application has been filed, under section 210a (b) in connection with the above-entitled proceeding. Notice of the filing of the application for purchase of authority under section 5, Interstate Commerce Act, appears in the FEDERAL REGISTER, issue of December 8, 1954, at page 8085.

No. MC–F–5913. Authority sought for control by MALCOM P McLEAN, 735 Arbor Road, Winston-Salem, N. C., of the operating rights and property of PAN-ATLANTIC STEAMSHIP CORPORATION, 61 Saint Joseph St., Mobile, Ala., and McLEAN TRUCKING COMPANY, 617 Waughtown St., Winston-Salem, N. C. Applicants' attorney: David G. Macdonald, 1625 K St., NW., Washington 6, D. C. Operating rights sought to be controlled. *General commodities,* with certain exceptions, including household goods, as a *common carrier* over regular routes, including routes between Greensboro, N. C., and Atlanta, Ga., between Hartsville, S. C., and Charlotte, N. C., between Greensboro, N. C., and Charleston, S. C., between Greensboro, N. C., and Lynchburg, Va., and between High Point, N. C., and New York, N. Y., serving certain intermediate and off-route points; *general commodities,* as specified above, over alternate regular routes, for operating convenience only, including routes between Petersburg, Va., and Rocky Mount, N. C., between Rock Hill, S. C., and Ridgeway S. C., between Eau Claire, S. C., and Rockton, S. C., between Lexington, N. C., and Winston-Salem, N. C., and between Winston-Salem, N. C., and Reidsville, N. C., *general commodities,* without exceptions, over irregular routes, between points in Massachusetts; *general commodities,* with certain exceptions, including household goods, over irregular routes, in part, as follows, from Baltimore, Md., York, Pa., Bayonne, N. J., New York, N. Y., points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission, Providence, R. I., and points within 25 miles of Providence, and points in a certain portion of Connecticut to points in a certain portion of North Carolina, between Hartsville, S. C., and points in South Carolina within 50 miles of Hartsville; on the one hand, and, on the other, Atlanta, Ga., points within ten miles of Atlanta, those in North Carolina and South Carolina, and those in certain portions of Georgia and Virginia, between points in New York in the New York Commercial Zone as defined by the Commission, Providence, R. I., and points in certain portions of New Jersey and Massachusetts; *textiles* and *textile products,* and *manufactured tobacco products,* from, to and between points in Maryland, Pennsylvania, Rhode Island, New York, Massachusetts, Georgia, New Jersey Connecticut, North Carolina, Delaware, South Carolina and Virginia. Applicant is not a motor carrier, but is in control of Pan-Atlantic Steamship Corporation. Application has not been filed for temporary authority under section 210a (b)

No. MC–F–5915. Authority sought for merger into PACIFIC INTERMOUN-

TAIN EXPRESS CO., 299 Adeline St., Oakland, Calif., of the operating rights and property of SYSTEM TANK LINES, INC., 299 Adeline St., Oakland, Cailf. Applicants' attorneys: A. S. Glikbarg, 155 Sansome St., San Francisco 4, Calif., Edward M. Berol, 100 Bush St., San Francisco 4, Calif., and Glanz & Russell, 639 South Spring St., Los Angeles 14, Calif. Operating rights sought to be merged: *Petroleum products*, in bulk, as a *common carrier* over regular routes, from Los Angeles, Calif., to Mesa and Prescott, Ariz., from Los Angeles, Calif., to Tucson, Ariz., serving certain intermediate and off-route points; *petroleum* and *petroleum products*, in bulk, in lots of not less than 30,000 pounds, and in containers, in lots of not less than 10,000 pounds, from St. George, Utah, to Cove Fort and Sevier, Utah, serving certain intermediate and off-route points; *petroleum products*, between Los Angeles, Calif., and Beatty Nev., serving certain intermediate and off-route points; *petroleum* and *refined petroleum products*, including *fuel oil*, over regular and irregular routes, from points in Kern, Ventura, Orange, and Los Angeles Counties, Calif., to St. George, Utah, serving certain intermediate and off-route points: *petroleum products*, in bulk, over alternate regular routes for operating convenience only including routes between Los Angeles, Calif., and Beaumont, Calif., and between Brawley, Calif., and Holtsville, Calif., *petroleum products (chiefly in bulk, in tank trucks) liquid chemicals*, in bulk, in tank vehicles, *phosphoric acid*, in bulk, in tank vehicles, *chemical* and *chemical solutions, liquids or solids, dry chemicals, diesel oil* and *fuel oil*, in bulk, in tank vehicles, *oils* and *greases*, in bulk, in tank vehicles, *tallow*, in bulk, in tank vehicles, and *betaine concentrate*, over irregular routes, from, to and between, certain points in Montana, Washington, Oregon, Idaho and California. Pacific Intermountain Express Co., is authorized to operate in Colorado, Utah, Wyoming, California, Nevada, Idaho, Missouri, Kansas and Illinois. Application has not been filed for temporary authority under section 210a (b)

No. MC–F–5916. Authority sought for purcases by NOVICK TRANSFER CO., INC., 700 North Cameron St., Winchester, Va., of the operating rights of JET MOTOR LINES, INC., (DAVID GREENBAUM, RECEIVER) 51 Chambers St., New York, N. Y., and for acquisition by ABRAM J. NOVICK, Winchester, Va., of control of the operating rights through the purchase. Applicants' attorney: B. Leonard Slade, 150 Nassau St., New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier* over regular routes, between Syracuse, N. Y., and Pittsburgh, Pa., serving all intermediate points and the off-route points of Johnstown, Pa., and points within 25 miles of Pittsburgh; *such commodities* as are used or useful in the erection, operations, and dismantling of carnivals and the dismantling of factories, *heavy machinery, scrap iron, clay products, hollow building tile, iron and steel* and *iron and steel products*, over irregular routes, from, to, and between certain points in Ohio, Pennsylvania, West Virginia and New York. Vendee is authorized to operate in Maryland, New Jersey and Virginia. Application has not been filed for temporary authority under section 210a (b)

No. MC–F–5919. Authority sought for control by BOS FREIGHT LINES, INCORPORATED, 408 S. 12th Ave., Marshalltown, Iowa, of the operating rights and property of BOS TRUCK LINES, INCORPORATED, 508 S. 12th Ave., Marshalltown, Iowa, and for acquisition by A. H. BOS, ISABELLE C. BOS, Marshalltown, Iowa, and STEPHEN ROBINSON, Des Moines, Iowa, of control of the operating rights and property through the transaction. Applicants' attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines, Iowa. Operating rights sought to be controlled: *General commodities*, with certain exceptions, not including household goods, as a *common carrier* over regular routes, including routes between Chicago, Ill., and Kearney and Hastings, Nebr., between Waterloo, Iowa and Denison, Iowa, between Sterling, Ill., and Silvis, Ill., between Carroll, Iowa and Atlantic, Iowa, between Grand Island, Nebr., and Hastings, Nebr., and between Waterloo, Iowa and Iowa City Iowa, serving certain intermediate and off-route points; *general commodities*, as specified above, over alternate regular routes, for operating convenience only, including routes between Belle Plaine, Iowa and Marengo, Iowa, and between junction U. S. Highway 6 and Iowa Highway 64, and Marshalltown, Iowa, *packing-house and dairy products, dressed poultry, canned goods, petroleum products*, in containers, and *iron and steel articles*, between Omaha, Nebr., and Denver, Colo., serving certain intermediate and off-route points, *heating supplies and equipment*, from Chicago, Ill., to Michigan City Ind., serving no intermediate points; *aluminum ingots, pigs* and *slabs, brass, bronze or copper billets, granulated shot and ingots, zinc ingots and slabs*, from North Chicago, Ill., to Chicago, Ill., serving no intermediate points; *fresh meats* and *packing house products, butter eggs, dressed poultry, live poultry* and *feathers, flour feed, road machinery, dried beans, canned goods, groceries, paper* and *paper products, cheese, canned milk, powdered milk, furnace castings, electric motors, furnaces, furnace parts; heating equipment and supplies, foundry equipment and supplies, iron castings, malt beverages, steel kitchen cabinets, steel storage cabinets, sinks, dish washing machines, rotary blowers, electric motors*, and *lawn mowers*, over irregular routes, from, to, and between certain points in Nebraska, Iowa, Illinois, Missouri, Colorado, Kansas, Michigan, Wisconsin, New York, Ohio, Indiana and Pennsylvania. Applicant is authorized to operate in Kansas, Minnesota, Iowa, Illinois, Missouri, Nebraska and Colorado. Application has not been filed for temporary authority under section 210a (b)

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1599; Filed, Feb. 23, 1955; 8:48 a. m.]

[4th Sec. Application 30270]

MERCHANDISE IN MIXED CARLOADS FROM MEMPHIS, TENN., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company

Commodities involved: Merchandise in mixed carloads.

From: Memphis, Tenn.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1458, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55–1587; Filed, Feb. 23, 1955; 8:47 a. m.]

[4th Sec. Application 30271]

SUPERPHOSPHATE FROM ALABAMA AND FLORIDA TO WALPORT AND BLYTHEVILLE, ARK., AND SIKESTON, MO.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate, not ammoniated, carloads, minimum 100,000 pounds.

From. Sheffield, Ala., Agricola, East Tampa and Tampa, Fla.

To: Walport and Blytheville, Ark., and Sikeston, Mo.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula, and to maintain rates prescribed in docket No. 31430 et al.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. 1433, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 55-1588; Filed, Feb. 23, 1955; 8:47 a. m.]

[4th Sec. Application 30272]

LIQUEFIED PETROLEUM GAS FROM LONGVIEW, TEX., GROUP TO BATON ROUGE AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved. Liquefied petroleum gas, in tank-car loads.

From. Longview, Texas, and points grouped therewith.

To: Baton Rouge, North Baton Rouge, and New Orleans, La.

Grounds for relief: Rail competition, circuity and market competition.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 4056, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1589; Filed, Feb. 23, 1955; 8:47 a. m.]

[4th Sec. Application 30273]

CLASS RATES TO OR FROM POINTS IN THE DES ALLEMANDS AND EDGARD, LA., GROUPS

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Involving: Docket 28300 Class rates.

Between. Des Allemands and Edgard, La., and points grouped therewith, on the one hand, and points in southwestern, western trunk line, official, southern and Illinois territories, on the other.

Grounds for relief: Rail competition, circuity, to maintain grouping, and change in grouping.

Schedules filed containing proposed rates:

Agent	I. C. C. No.	Supplement No.
F. C. Kratzmeir	3997	42
Do	3998	41
Do	3999	47
Do	4000	39
Do	4023	21
C. W. Boin	A-963	19

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1590; Filed, Feb. 23, 1955; 8:47 a. m.]

[4th Sec. Application 30274]

FRESH MEATS FROM INDIANAPOLIS, IND., TO APPALACHIA, VA.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved: Fresh meats, carloads.

From. Indianapolis, Ind.

To: Appalachia, Va.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: H. R. Hinsch, Agent, I. C. C. No. 4510, supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1591; Filed, Feb. 23, 1955; 8:47 a. m.]

[4th Sec. Application 30275]

BOX AND CRATE MATERIAL FROM MAGNOLIA AND FERNWOOD, MISS., TO POINTS IN TEXAS

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fruit or vegetable box or crate material, carloads.

From. Magnolia and Fernwood, Miss.

To: Points in Texas.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1269, supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1592; Filed, Feb. 23, 1955; 8:47 a. m.]

[4th Sec. Application 30279]

VARIOUS COMMODITIES FROM POINTS IN TRUNK LINE AND NEW ENGLAND TERRITORIES TO SOUTHERN AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Boin and C. R. Goldrich, Agents, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved. Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in southern and Illinois territories.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1596; Filed, Feb. 23, 1955; 8:48 a. m.]

[4th Sec. Application 30276]

PETROLEUM OIL FROM CABOT, LA., TO BOSTON, MASS.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved. Petroleum oil, carloads and tank-car loads.

From: Cabot, La.

To: Boston, Mass.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 354.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1593; Filed, Feb. 23, 1955; 8:48 a. m.]

[4th Sec. Application 30277]

HIDES, PELTS, OR SKINS FROM CARROLL, FLA., TO PHILADELPHIA, PA.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Hides, pelts or skins, carloads.

From. Carroll, Fla.

To. Philadelphia, Pa.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1324, supp. 108.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1594; Filed, Feb. 23, 1955; 8:48 a. m.]

[4th Sec. Application 30278]

PHOSPHATIC FEED SUPPLEMENTS FROM ALABAMA, FLORIDA, MISSISSIPPI, AND TENNESSEE TO WINNFIELD, LA.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphatic feed supplements, viz.. phosphate and superphosphate, defluorinated, and phosphate di-calcium, carloads.

From. Specified points in Alabama, Florida, Mississippi, and Tennessee.

To: Winnfield, La.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1434, supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F R. Doc. 55-1595; Filed, Feb. 23, 1955; 8:48 a. m.]

[4th Sec. Application 30280]

SCRAP PAPER FROM LISTERHILL, ALA., TO GREEN BAY, WIS.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved. Paper, scrap or waste, carloads.

From. Listerhill, Ala.

To: Green Bay Wis.

Grounds for relief: Rail competition, circuity to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1377, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-1597; Filed, Feb. 23, 1955; 8:48 a. m.]

[4th Sec. Application 30281]

AUTOMOBILE BUMPERS FROM HUNTINGTON, W VA., TO EVANSVILLE, IND.

APPLICATION FOR RELIEF

FEBRUARY 18, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to Chesapeake and Ohio Railway Company tariff I. C. C. 13226, pursuant to fourth-section order No. 17220.

Commodities involved: Automobile parts viz: bumpers or bumper fittings, carloads.

From. Huntington, W Va.

To: Evansville, Ind.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F R. Doc. 55-1598; Filed, Feb. 23, 1955; 8:48 a. m.]